

A HISTORY OF MIAMI COUNTY

by

Frank M. Sterrett

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A History of Miami County

By
FRANK M. STERRETT
Of Troy, Ohio



Sterrett, Francis Marion

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TROY, OHIO

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J. M. Sterrett

Miami County Primary Law Convention

Troy, Ohio, December 9, 1905, 2 p. m.

Frank M. Stierck
Troy, Miami Co. Ohio
January 2" 1906

Dear Sir:

In view of the coming Centennial
of Miami County, Ohio, in 1907;

Believing the time is propitious
for the publication of a history of the County;

That such a history should be
edited and controlled by Citizens of
Miami County;

That you are qualified for such
a task and would conscientiously dis-
charge the duty involved; We the un-
derigned respectfully request that you
undertake the work.

Ralp

E. C. Hanson, County Auditor.

Jesse Burkett, Treasurer

Clark Coak County Recorder

Thomas Bank of County

R. H. Gibson Sheriff of County

Thos B. Kyle

Geo S. Long

H. E. Seober

Miami County Primary Law Convention

Troy, Ohio, December 9, 1905, 2 p. m.

190

John M. Campbell President - Troy National Bank.
D. W. Smith v Clerk First National Bank
D. W. McLennough Merchant.
Ralph M. Brown, Supr. of Schools.
E. M. Maier Probate Judge - elect.
A. B. Campbell - Prosecuting Attorney
W. H. Wehrly, Pastor M. E. Church.
N. M. Kyle. Distressed.
J. M. McIsis Mayor.
O. J. Gates
Dr. H. H. Baker, Chs. Dir. Ex. & Cin. Com. Miami County.
H. A. Galloway Editor Miami Union
Geo. M. McElreath member of B. P. O.
G. W. Clokey - Pastor Pres Church.
Warren H. Driscoll Pastor First Christian Church.
William E. Swatkin, Pastor of First Baptist Church.
Father Knipper - Pastor of St. Patrick's Church Troy, O.
James Henry Long. Pastor of Trinity Church - Troy O.
J. H. Kraft Pastor of St. John's Evangelical Church.
The Troy Record, per W. S. Croy

Miami County Primary Law Convention

Troy, Ohio, December 9, 1905, 2 p. m.

J. B. McBoyle Presid City Councils 190.....
R. W. Crofoot
J. L. Hughes Mayor, Piqua, Ohio
L. L. Larson
Frank Gehl Chief of Police
Amy Fleck Admin Citizens Natl Bank Piqua
J. A. Rumble Post Piqua Nat Bank
A. F. Drouthall President of the Board of Education
Troy Ohio.

above 36 names and all have passed away

E. L. M. Gosley Nov. 10-1950

FOREWORD



IN THE LATTER PART OF 1905, a movement throughout each town and city was created in the interest of a great Centennial home-coming in 1907. It was estimated that more native-born lived outside than within the borders of Miami County.

In order that this proposed anniversary might be held under the most favorable auspices, an act of the legislature empowered the commissioners to appropriate money from the county treasury for promotive purposes and this law still remains on the statute books.

A history of the County was planned, and a petition, asking me to compile the same was extensively signed in each township. The foregoing pages show the fac-simile signatures of many prominent citizens.

I wrote the three first chapters of this book early in 1906, when I was called upon to become the executive director of the 41st National Encampment of The Grand Army of the Republic, held at Saratoga Springs, September 9-14, 1907. I held the same position in Toledo, Ohio, in 1908; Salt Lake City, Utah, in 1909; and Atlanta City in 1910.

In the early part of 1906, a large delegation of members from the Troy Club visited the Piqua Club for consultation on the subject of the home-coming in 1907. This meeting gave rise to some differences of opinion on the question of exact time and place or places of holding the same and were never settled and the whole matter was abandoned, except I continued to feel a deep interest in the history, which I had on occasion continued to write. As manager of the colony for old soldiers at St. Cloud, Osceola County, Florida, in 1911-12, and ingrossed in other business in 1913, little time was allotted for historical research and yet the chapter on Ohio was largely written during that year. In 1915-16-17, I have been an inspector-examiner in the banking department of the State of Ohio and having some time and the state library at my disposal, have written several additional chapters and hope to finish the work during this year of 1917.

INTRODUCTION



HERE have been three histories published of Miami County, The first by W. H. Beers and Co., of Chicago in 1880. On page 208 of this work, we read as follows: "From these various data, we feel safe in asserting that the tribe or confederation above described (The Miami's), were the owners of the soil embraced within the present limits of Miami County." This history will conclusively establish the entire lack of warrant for the above statement. The Beers history relates a superstition, that the great maniton created out of the dust of the Miami Valley, the Miami Indian, and they had been there from the beginning of time. A letter from E. B. Merrett, Assistant Commissioner of the Department of the Interior, hereafter published in this work and much other unquestionable data will show that the Miami Indian had a few tribes here on the Miami River and perhaps as far east as the Scioto between 1749 and 1763. They never owned it.

On page 424 of the Beers history we read, "Tippecanoe City, the principal village of the township of Monroe, dates its origin from the fall of 1839, when its foundations were laid and the tumult attendant upon the war then being waged throughout the northwest by General Harrison against the Indians. Since there was no Indian or other wars in the northwest in 1839 and had not been since the Black Hawk war of 1832, in which General Atkinson commanded, and the fact that General Harrison had retired from the army in 1814, we are confronted with the belief that the compilation of 1880 was not seriously made. General Harrison was 66 years of age and became a candidate for and was elected to the Presidency of the United States, the following year of 1840. It was this fact, and the additional one that he commanded in the battle of Tippecanoe, Indiana, in the summer of 1811, that suggested the name of Tippecanoe City of this county.

The second history of Miami County was published by The Lewis Publishing Co., of Chicago, in 1900. It was bound in a pretentious manner and contained much excellent information, much of which did not in a remote way hold the slightest relation to a history of our county. It perpetuates the story of ownership by the Miami Indians of this valley which had come down the line, even from the pen of Howe, who wrote the best accepted history of Ohio.

The third history of Miami County was published by Richmond Arnold Publishing Co., of Chicago, Ills., in 1909, in which the Miami Indian ownership is seriously questioned. My friend, T. C. Harbaugh, who made this excellent historical compilation, on page 44 he introduces a letter from my friend C. C. Royce, of Washington, D. C., which for the first time flatly contradicts this theory of ownership.

I have had the honor and pleasure of close relations with Colonel Royce for more than 50 years. In 1900 the government of the United States published his work on "Indian Land Sessions," containing 997 pages and 67 maps, which is final authority on Indian titles. To him, through correspondence and personal communication I owe all the clearer vision I have on this subject. It is gratifying to state that Charles is a Miami County boy. His father came to the county in the early day from Vermont and died here. He was elected clerk of the county in 1862, at about which time Charles entered the Union navy.

In my work so far, I have discovered that which this book will disclose that even our greatest historians commit errors of statement, and we shall not, therefore, escape some faults, notwithstanding that every atom of civic pride and local patriotism, coupled with enthusiasm and industry has been conscientiously called into requisition to make this history the real history,—the history of authority. In this compilation, I have learned to look with suspicion upon statements that seem to go **around** a subject rather than to seem to cleave through them with resistless energy. I have become satisfied that a professed history that contains many statements which use the words "about" and "perhaps" quite frequently are least to be relied upon and that the painstaking and accurate historian uses them infrequently.

The history of Miami County now has a prospective of 109 years. We can come nearer now in determining our real selves and our integral part in the whole civilization. The interest and value of a real history of our county should have increased a hundred fold. It shall be my endeavor to indulge in an open and broad analysis. I shall strip this book of all those elements which may have a tendency to confuse rather than enlighten. When I use the words "about" and "perhaps" in connection with history, it will not be for the reason that I lack the zeal to cut through, but because the actual fact is not essential to this work.

A handwritten signature in dark ink, reading "J. M. Sterrett". The signature is written in a cursive style with a long, sweeping underline that extends across the width of the text.

History of Miami County

CHAPTER I.

ORIGIN OF THE NORTH AMERICAN INDIAN

When Columbus discovered America in 1492, he supposed he had arrived on the Eastern shore of India, and therefore called the people he found there, Indians.

After Vespucci Amerigo discovered the eastern coast of South America in 1499, although seven years later than Columbus, he succeeded, through his written account of that voyage and the one he made in 1501, and the manipulation, through friends, of that account into prior history, in having the continent discovered by Columbus, named America.

It is unfortunate, from the viewpoint of historical accuracy, that the name given the Aborigines of North America was a mistake, and the name given to the newly discovered country was the result of a premeditated historical fraud.

In all time, when new lands have been discovered, with a new people thereon, who had not been known before, a discussion in relation to the origin of that people has been inaugurated at once.

This perfectly human impulse warrants us, makes it important, that the first short chapter of this work be devoted to the four prominent theories which have been promulgated in relation to the origin of the North American Indian.

First, He was a Jew.

Second, He was a Mongolian.

Third, He was a Carthaginian or European.

Fourth, He was the progenitor of all Asiatics.

THE INDIAN A JEW.

Dr. Thomas Thorowgood wrote a quarto volume in 1652 to prove that the Indians were the Jews who had been "lost in the world for a space of 2,000 years." He claims that the Rev. Roger Williams, the founder of Rhode Island, was a convert to this theory.

In 1775, James Adair wrote a very valuable work on the Indian dialects. Prior to that time his facilities for studying the Indian had been better than almost any other. He had lived with them for forty years, principally with the Chickasaws. In his work he zealously advocated the Jewish origin of the Indian.

Elias Boudinot was a full-blooded Cherokee Indian who attended a Missionary School in Cornwall, Connecticut. He asked and obtained the permission of Dr. Boudinot of that city to use his name. Boudinot, the Cherokee, was a man of extended attainments. He edited and published *The Cherokee Phoenix* from 1828 to 1834. His address on the wrongs of his people, to the whites at Philadelphia, was considered a very excellent presentation. His extension of the theory of James Adair, that

the Indians are the ten lost tribes of Israel, is the work by which he is best known and through which he will be recollected the longest.

THE INDIAN A MONGOLIAN.

The fact that the Mongolian religion is similar; that he is of about the same stature; is of the same Nomadic habits, and swarthy in complexion; that he hunts wild animals for food and the value of their skins; that he lives in tents; is fond of the horse and a fine horseman, and loafs and smokes when off the hunt; that the Scythians of which the Mongols are a branch drank the blood of the first man whom they slew in battle and preserved the scalps and skins of the enemies whom they conquered; that his marriage rites are similar; that he buys his wife with cattle and horses, and divorces her the same as the North American Indian; has induced many writers to advocate the theory that the Indian has descended from the Mongolians, who have always lived in tribal relation, and who, on one of their nomadic excursions to the Northeast, crossed Behring Strait and entered Northwestern Alaska.

In 1893 the author, his wife and a party of excursionists visited all of the towns and settlements of Southwestern Alaska, and at that time made a study of the Indian as found there, so far as our two weeks' visit would permit.

The Aleuts, who inhabit the Aleutian Islands and the coast country as far north, at least, as the Sea of Kamchatka, are of Esquimau origin. The Yukon Indians inhabit the river valley of that name and portions farther North than the course of that river. The Chilcoot Indians, principally, inhabit the Southeast portion of Alaska. Many of these have been taught to speak English, and are members of the Presbyterian Church, this church having been first in the missionary field in those parts.

We engaged the Chilcoots in conversation at every opportunity, and was persistent in our inquiry as to any knowledge he might have in reference to his race origin. He simply has neither love, lore or legend on the subject, other than like all North American Indians; he attributes his existence to the Great Spirit, and, so far as he knows, his ancestors have been inhabitants of Alaska and lived under the shadow of the great mountains there from the beginning of time. These Chilcoots have the features, habits, rites and, as claimed, a language similar to the Mongolians, but they have no traditions that lead to the belief that they were at any time a part of that or any other Asiatic division.

THE INDIAN A CARTHAGENIAN OR EUROPEAN.

It is perfectly easy to believe, and altogether possible, that the North American Indian is a descendant of the ancient Carthagenians, or, perhaps of the imperial Roman, after we have first convinced ourselves of the authenticity of the story of the lost continent of Atlantis. If there ever was such a continent, or a continuation of Islands, west of the pillars of Hercules, for the fact of which there seems to be much authority, that continent was certainly visited by the Carthagenians, of whom it is said: "The waters of every sea were white with her sails, and the shores of every land, hospitable and inhospitable, civilized or savage, were planted with her colonies or frequented by her mariners." It is likely that the Romans, although inferior in power to the Carthagenians, at first, but who were also great navigators, visited the island or continent of Atlantis and may have landed her ships in the harbors of New York and Boston two thousand years before Hendrix Hudson or the Pilgrim Fathers.

Plato says: "In those first times the Atlantic was a most broad island, and there were extant most powerful kings in

it, who, with joint forces, appointed to occupy Asia and Europe; and so a most grievous war was carried on, in which the Athenians, with the common consent of the Greeks, opposed themselves and became the conquerors. But that Atlantic island, by a flood and earthquake, was indeed suddenly destroyed, and so that warlike people were swallowed up."

In another place, *Plato* says: "An island in the mouth of the sea, in the passage to those straits, called the pillars of Hercules, did exist; and that island was greater and larger than Lybia and Asia; from which there was an easy passage over to the other islands, and from those islands to that continent which is situated out of that region."

Aristotle, perhaps the greatest ancient philosopher, 384 B. C. wrote: "Some say that, beyond the pillars of Hercules, the Carthagenians have found a very fertile island, but without inhabitants, full of forests, navigable rivers, and fruit in abundance. It is several days' voyage from the main island. Some Carthagenians, charmed by the fertility of the country, thought to marry and settle there; but some say that the government of Carthage forbid the settlement, upon pain of death, from the fear it would increase in power so as to deprive the Mother Country of its possessions there."

It is said that *Hanno*, a distinguished Carthaginian explorer, "having sailed around and explored the coast of Africa, set out from the pillars of Hercules, now called the Straits of Gibraltar, and sailed westward for thirty days; hence it is inferred by many that he must have visited America or some of its islands."

Diodorus, 100 B. C., writes: "After having passed the islands which lie beyond the Herculean Straits, we will speak of them which lie much farther into the ocean. Toward Africa, and to the west of it, is an immense island in the broad sea, many days' sail from Lybia. Its soil is very fertile, and its surface variegated

with mountains and valleys. Its coasts are indented with many navigable rivers, and its fields are well cultivated; delicious gardens, and various plants and trees." Samuel G. Drake, commenting on the above, says: "This account corresponds very well with that given of the Mexicans when first known to the Spaniards, but perhaps it will compare as well with the Canaries."

If it were possible to establish the fact that the Indian is a descendant of the Carthagenians, it would have in it a modicum of satisfaction to those who advocate the theory that the Indians are the ten lost tribes of Israel, because it seems well established that Carthagenians spoke a language similar, if not identical, with the Hebrew of the Old Testament.

THE INDIAN THE PROGENITOR OF THE ASIATICS.

Morris K. Jessup, President of the American Museum of Natural History, sent out an expedition in 1897 to the North Pacific to study the oldest remaining tribes of both continents, studying their customs, characteristics, and languages, finding out how long each has occupied its present habitat and whence it came originally, and ascertaining the probable relationship of one to another. Daniel T. Pierce, in the *Cosmopolitan Magazine* of New York, in the November number of 1905, has written as follows:

DID OUR CONTINENT PEOPLE ASIA?

"The favorite theory heretofore has been that the Indian came here from Asia. This theory is now upset. Many of those, moreover, who held that there was no relationship at all between the tribes of America and those of Asia, have recently changed their views radically and now believe, as a result of the work of the expedition, that the Indian originated here and spread into Asia. Stewart Culin, of

the University of Pennsylvania, is one of the converts. Mr. Culin has personally carried on extensive investigations. For a long time he denied that there was any connection between the tribes of the two continents. But at a recent congress of scientists he surprised all present by saying: "I would like to state that I now withdraw from the position which I formally occupied, that there was no communication between the two continents. I now feel very sure that some time in the remote past there must have been most intimate relations, and, furthermore, that the emigrations may have been, not from Asia to America, but from our own American continent to Asia and to the Southern Islands in the Pacific. Furthermore, I believe that the material which has been brought together will permit a demonstration to be made to you of this emigration in the long past and in the establishment of the American continent, not as the source of an arid and sterile culture, as it is sometimes characterized, but of a living, vital force, which has gone out into the Old World, and has effected the cultures of historic peoples with whom we are acquainted.

"There are so many different tribes in northwestern America and in Siberia, and they are separated by such vast distances, that it did not seem probable at the outset that there was any close relationship between them. Each tribe has its now peculiar language and customs and is isolated from the other tribes. Those who contended that there was nothing in common between the Asiatic and American tribes seemed to have considerable foundation for their assertions. But this was merely a superficial belief which arose from the lack of proper investigation. When the members of the Jesup Expedition, after their years of exploration and study, compared notes, they found that there was really a very close relationship between the Asiatic and American tribes. Not only do members of the expedition think that it

has established this highly important fact, but they are inclined to believe that the tribes of both Siberia and northwestern America were originally one race and that their culture was identical and sprang from the same source."

The illustrations to Mr. Pierce's article, some of which are given herewith, are interesting as offering additional proof of relationship between the original American and Asiatic peoples. Says the writer in conclusion:

"They show further what an important part dress and visual impression play in the formation of popular ideas of racial characteristics. An Indian costume makes a very lifelike 'redskin' out of a Japanese. In the same way Japanese dress works the most puzzling transformation in Indians. From the pictures themselves it would be practically impossible to tell which are Japanese and which Indians. There is a strong suggestion, if nothing more, in the curious fact that the two peoples are not so unlike as they are usually pictured in our imagination, misled as it is by mere differences in dress, present habitat, history, and our traditional belief in the absence of relationship between them."

Voltaire, in writing on this subject, says, "Since many fail to make systems in which America has been peopled, it is left for us to say, that he who created flies in those regions, created man there also. However pleasant it may be to dispute, it cannot be denied that the supreme being, who lives in all nature, has created about the 480 two-legged animals without feathers, the color of whose skin is a mixture of white and carnation, with long beards approaching to red; about the line, in Africa and its islands, Negroes without beards; and in the same latitude, other Negroes with beards, some of them having wool and some hair on their heads; and among them other animals quite white, having neither hair nor wool, but a kind of white silk. It does not very clearly appear what should have prevented God from

placing on another continent animals of the same species, of a copper color, in the same latitude in which, in Africa and Asia, they are black; or even from making them without beards in the very same latitude in which others possess them. To what lengths are we carried by the rage for systems, joined with the tyranny or prejudice. We see these animals; it is agreed that God has had the power to place them where they are; yet it is not agreed that he has so placed them. The same persons who readily admit that the beavers of Canada are of Canadian origin, assert that the men must have come there in boats, and that Mexico must have been peopled by some of the descendants of Magog. As well might it be said, that if there be men in the moon, they must have been taken there by Astolpho on his hippogriff, when he went to fetch Roland's senses, which were corked up in a bottle. If America had been discovered in his time, and there had been men in Europe systematic enough to have advanced, with the Jesuit Lafitars, that the Caribbees descended from the inhabitants of Caria, and the Hurons from the Jews, he would have done well to have brought back the bottle containing the wits of these reasoners which he would doubtless have found in the moon, along with those of Angelica's lover."

The first thing done when an inhabited island is discovered in the Indian Ocean, or in the South Sea, is to inquire, whence came these people; but as for the trees and tortoises, they are, without hesitation, pronounced to be indigenous; as if it were more difficult for nature to make men than to make tortoises. One thing, however, which seems to countenance this System, is, that there is scarcely an island in the eastern or western ocean, which does not contain jugglers, quacks, knaves, and fools. This, it is probable, gave rise to the opinion, that these animals are the same race with ourselves."

The salient teaching of the above ex-

tract from Voltaire, is the power of God to produce white, black and red men; with beard and without beard; with hair, wool or silk on their heads; on the same parallel of latitude and under similar climatic conditions; and that, therefore, God could have and did produce the North American Indian where the discoverers found him.

That God could have done just what Voltaire insists that he did do will be echoed with an amen from the entire world of Christendom.

If God could have done what Voltaire claims he did, he also could have peopled America by either one of the four methods set forth in this Chapter.

The disposition to say, where a new people is discovered, "Whence came these people" is the natural and inevitable inquiry of the whole Christian world in compliance with the teaching of the book of books; "God hath made of one blood all nations of men, who dwell on the earth." Christians do not believe that a second Garden of Eden was founded in America.

The celebrated divine, Cotton Mather, of Salem, Massachusetts, and of witchcraft notoriety, is quoted as having written the following, which we reproduce here for the reason only of its extreme novelty:

"It should not pass without remark, that three most memorable things which have borne a very great aspect upon human affairs, did, near the same time; namely, at the conclusion of the fifteenth, and the beginning of the sixteenth century, arise unto the world: The first was the resurrection of literature; the second was the opening of America; the third was the reformation of religion. But as probably the devil, seducing the first inhabitants of America into it, therein aimed at the having of them and their posterity out of the sounds of the silver trumpets of the gospel, then to be heard through the Roman Empire. If the devil had any expectation that, by the peopling of America, he should utterly deprive any Europeans of

the two benefits, literature and religion, which dawned upon the miserable world, (the one just before, the other just after) the first famed navigator hither, 'tis to be hoped he will be disappointed of that expectation. The natives of the country now possessed by the Newenglanders, have been forlorn and wretched heathen ever since their first herding here; and though we know not when or how these Indians first became inhabitants of the Mighty Continent, yet we may guess that probably the devil decoyed those miserable savages hither, in hopes that the gospel of the Lord Jesus Christ would never come here to destroy or disturb his absolute empire over them. But our Eliot was in such ill terms with the devil, as to alarm him with sounding the silver trumpets of heaven in his territories, and make some noble and zealous attempts toward outing him of his ancient possessions here. There were, I think, twenty several nations (if I may call them so) of Indians upon that spot of ground which fell under the influence of our three united Colonies; and our Eliot was willing to rescue as many of them as he could from that old usurping Landlord of America, who is, by the wrath of God, the prince of the world."

The following from Dr. Ree's Encyclopedia is quoted by Drake as being "so happy" that we also quote it for the purpose of discussing it.

"As those who pretend that the human race has only of late found its way into America, by crossing the Sea of Kamchatka, or the Straits Tschutiki; either upon the fields of ice or in canoes, they do not consider that this opinion, besides that it is extremely difficult of comprehension, has not the least tendency to diminish the prodigy; for it would be surprising indeed that one-half of our planet should have remained without inhabitants during thousands of years while the other half was peopled. What renders this opinion less probable is, that America was supposed to have had animals. Since we cannot

bring those species of animals from the old world which do not exist in it, as those of the tapir, the gama and the lajacter. Neither can we admit of the recent organization of matter for the western hemisphere; because independently of the accumulated difficulties in this hypothesis, and which can by no means be solved, we shall observe that the fossil bones discovered in so many parts of America, and at such small depths, prove that certain species of animals, so far from having been recently organized, have been inhabited a long while ago."

The first sentence of the above presupposes the very recent peopling of America. If the Indians are the ten lost tribes of Israel, they could have been here about two thousand years between the time of their captivity to the time of their discovery by Columbus. This same first sentence presupposes that if the ten lost tribes peopled America, or America was peopled by Mongolians or other ancient Asiatics, they must have crossed, in either case, by canoe from Asia to America, or upon the ice. This method of crossing does not follow in the least, because there may not have been and probably was not any Sea of Kamchatka at the time of the immigration from the American to the Asiatic or from the Asiatic to the American continent.

Since it is established that Sicily within modern times was joined to the Italian mainland; that eminent ancient authors affirm that the Straits of Gibraltar was at one time covered by land and communication between Spain and Africa was conducted over the land and that the Mediterranean Sea was formed by a gigantic disturbance; that at many places in the world, vessels now afloat on the water where land once existed and that over land now teeming with verdure, the white winged sails of commerce floated at one time; it is almost as equally certain that during the series of great earthquakes, which formed an era of importance, second



AN ALASKAN INDIAN DRESSED AS A CHINAMAN

—Original photograph for Miami County history.



AN INDIAN MAIDEN DRESSED AS A CHINESE GIRL
—Original photograph taken for Miami County history.



CHINESE WOMAN IN INDIAN COSTUME
—From original photograph taken for history of Miami County.



A JAPANESE DRESSED AS AN INDIAN

—From original photograph taken for Miami County history.

only to the deluge, the numerous islands now in the Sea of Kamchatka were the peaks of mountains in the division where the highest mountains of earth still exist. It is true that this great volcanic disturbance is not likely to have occurred within the time between the captivity of the Jews and the discovery of Columbus but it is not at all improbable that if the Indians are descended from the Mongolians, the latter may have entered America over land. If, however, the Indians are the ten lost where the Sea of Kamchatka now exists, tribes and after crossing the Euphrates, journeyed northeastward through Siberia, the crossing of the Sea of Kamchatka by canoe would have been of easy accomplishment on account of the numerous islands in that sea from one mainland to the other, in all a distance of but thirty-nine miles. So, that when the author above quoted says "it is extremely difficult of comprehension" he is certainly not endeavoring to explain how it could be comprehended.

This author, in order that his deduction be made good, not only presupposes the recent peopling of America, but also presupposes the recent formation of the continent; which all science will agree, is clearly beyond the pale of belief. He also seems to desire us to believe that the immigration of animals found here, was contemporaneous with man, in order that the theory of the Jewish or Asiatic origin may fall. He does not seem to admit the possibility that the animals found here, preceded the advent of man, nor does his ar-

gument, in the nature of things, because some animals were found here and the bones of others were not known in the old world prevent the possibility of their one time existence in the old world.

That we have no theory to advance on the peopling of America is not born in the fear of its being thin ice on which to skate but because a history of Miami County is not the medium through which to promulgate such a theory, however strongly intrenched we might be in its belief. We have introduced the subject here for the only purpose of producing continuity in the history of habitat. We have only this in addition to add: That the theory of the Bible, the teaching of which has done more than all the other mighty forces of the world, to advance it to its present wonderful station, should not be lightly tossed aside for theories into which enters so much that is clouded by the absence of absolute facts.

When we come to consider, that the mounds of pre-historic man, to the number of many thousands are scattered all over, especially the northern portion of the United States; that there are 3,292 of these mounds in the State of Ohio; that twenty-one of them are located in Miami County; that each Township of Miami County has one or more of these mounds; that being older than the pyramids and consequently about as old as the chronology of the Bible; the entire question of America's conjecture, that it places a satisfactory solution beyond the hope of the historian or archaeologist.

CHAPTER II.

EARLY SETTLEMENT OF AMERICA

HISTORY informs us that the Chinese annals, written in 499, contain an account of a Buddhist Mission supposed to have been founded in 458 in America.

The chronicles of Iceland contain an account of the discovery of that island by a Norse rover named Nadodd, in the year 861.

Eric the Red, having committed a murder in Iceland in 982, was compelled to flee. Having been informed that Crumbion, a Norse navigator, had sighted Greenland in the year 876, he fitted out an expedition and steered in that direction. He first sighted land at Herjolf's Ness, and wintered on a pleasant island near a body of water which he called Eric's Sound.

The glowing description which he gave of the verdant meadows, the woods and the fisheries of this newly discovered territory, which he called Greenland, allured such multitudes, that twenty-five ships full of colonists followed him thither in the ensuing spring with a large stock of household goods and all kinds of cattle. New swarms of settlers followed in subsequent years from Iceland and Norway, and planted their colonies along the eastern and western coasts. One hundred and twenty villages on the eastern, and a hundred and ten on the western shores of Greenland are enumerated by contemporary writers.

We are indebted to Harper's Encyclo-

pedia of American history for the earlier chronology of these earlier settlements, which here follows:

Bjarri sailed from Iceland to Greenland in 985, but was driven South by a storm, and sighted land at Newfoundland and at Cape Cod, or Nantucket, in the present State of Massachusetts, and returned to Greenland.

Lief, the son of Eric the Red, sailed in one ship, in the year 1000, with thirty-five men in search of the land seen by Bjarri, and touched on the Labrador coast, and stopped at Boston, Massachusetts, or further South for the winter. He loaded his vessel with timber and returned to Greenland in 1001. He called the land Vinland, from the grapes which grew so luxuriantly in Massachusetts and Rhode Island at that time.

Thorwold, Lief's brother, visited Vinland in 1002 and wintered near Mount Hope Bay, Rhode Island. In the Spring of 1003 he sent a party of men to explore the coast, perhaps as far South as Cape May. He explored the coast eastward and was killed in a skirmish with the natives, somewhere near Boston, in 1004. His companions returned to Greenland in 1004.

In 1007, Thorfinn Kalfsefine sailed with three ships and 160 persons, five of whom were young married women, from Greenland, to establish a colony at Vinland, and remained in Rhode Island for three years, during which time a son was born to him, which son is the ancestor of Albert Thorwaldsen, the Danish sculptor. Iceland

manuscripts, we are informed, mention a Bishop in Vinland in 1121, and other voyages there in 1125, 1135 and 1147.

It is supposed, and has reasonable certainty, that the most remarkable architectural ruin in the United States, at Newport, Rhode Island, and the famous "written rock," located on the Taunton River, are remains left by the Norsemen who occupied Vinland.

According to tradition, Madoc, Prince of Wales, sailed westward in 1170 and reported the discovery of a "pleasant country," and that he made a second voyage to this western country with ten ships, but was never heard of again. The fullest of these discoveries is contained in the Codex Flotoiensis, written in 1387-95, now preserved in the royal library at Copenhagen, found in a monastery on the Island of Flato, on the west coast of Iceland.

The Eskimos appeared in Greenland in 1349. Pizziganis made a map of the Atlantic in 1367-73. Nicolo Zeno, with three ships belonging to Sir Henry Sinclair, Earl of the Orkney Islands, visited Greenland, and possibly Vinland, in 1394. Berthancourt settled the Canary Islands in 1402. The Maderi Islands, first discovered by Machan, an Englishman, in 1327-28, were rediscovered by the Portuguese in 1418-20.

In 1497, five years after the discovery of the Island of San Salvador, one of the Bahamia group, by Columbus, and two years prior to the discovery of the South American coast by Vespucci Amerigo, John Cabot, of Bristol, England, but probably a Venetian by birth, accompanied by his three sons, in a single vessel, under a charter from the King of England, discovered the coast of Labrador.

Barring the possible visit of the Carthaginians, or Romans, during the period of their great maritime power and the known and well established occupancy of Greenland, Rhode Island and Massachusetts by the Norsemen, John Cabot and sons were

the actual discoverers of the North American continent. He was seeking a North-west passage to the Indies, and thus writes, "I found the land ranne toward the North, which to me was a great displeasure."

While it is not within the scope of this book to publish an account of each of the early settlements of America which were made prior to the Independence of the United States, or even after that time, it is proper that a brief mention be made of those colonial settlements to whom land grants were given by the English crown, and which settlements afterward became States of the American Union.

Florida was settled by the Spaniards in 1565, and remained in possession until 1821, when the United States purchased it of them for the sum of \$5,000,000.

The temporary settlement of Virginia was made by Sir Walter Raleigh in 1584, under a patent as Lord proprietor of the country, extending from the mouth of the Santee River, in South Carolina, to Delaware Bay, covering the latitude between Columbia, South Carolina, and Washington, D. C., being about four hundred miles in breadth. After the charter of Raleigh was revoked, King James, the first, chartered the London and the Plymouth Companies in 1606, and from these two companies springs much of the history and the land titles of the United States.

Henry Cabot Lodge, in his history of the English Colonies, on page 2, says, "In the following year (1606), on the petition of certain 'firm and hearty lovers' of colonization, James I chartered two companies (the London and Plymouth) and bestowed on them in equal portions the vast territory included in twelve degrees of latitude, and stretching from Cape Fear to Halifax.

Believing that the northern boundary line for this grant, as given by the Senator, was incorrect, I wrote him a letter

asking for the source of his information, to which he replied by referring me to Bancroft's History. I find in Bancroft's, Vol. I, page 120, the following:

"The first colonial charter (1606) under which the English were planted in America deserves careful consideration. A belt of twelve degrees on the American coast, embracing the soil from Cape Fear to Halifax, excepting perhaps the little spot in Acadia, then actually possessed by the French, was set apart to be colonized by two rival companies."

It is evident that Senator Lodge, in writing his work, accepted the statement of Bancroft, and thus repeated the latter's unaccountable double blunder of statement. In the first place, if the southern boundary of the grant was at Cape Fear, as he states, and as it actually was, and which is in thirty-four degrees north latitude, to "cover twelve degrees on the American coast," would have made the northern boundary at 46 degrees north. The fact, however, is that the charter itself places the northern boundary at 45 degrees north, or a degree south of Bancroft's statement. In the second place, when the great historian says, "embracing the soil from Cape Fear to Halifax," he makes the northern boundary one and a half degrees south of the 46 degrees parallel where he has already placed it, in the fact that Halifax is 44.30 north latitude. We are thus confronted with both an historical and mathematical blunder upon the part of Bancroft and perpetuated by Senator Lodge.

Being naturally anxious to secure a copy of the original charter, which we did not find printed in any of the works of United States history or in any encyclopedia, we sought the records of Massachusetts, Virginia and other States on the Atlantic coast which had been settled under the provisions of the King James charter of 1606, in the hope that it could be found in the original or printed form. The follow-

ing extract from a letter received from Wm. M. Olin, Secretary of State, Commonwealth of Massachusetts, is given:

Boston, Mass.,
March 8, 1906.

F. M. Sterrett, Esq.,
Troy, Ohio.

Dear Sir:

In reply to your favor of the 29th ultimo, I would state that the only original charters which are preserved in the State archives are the first charters of 1621 to the Massachusetts Bay Colony, the Province Charter of 1692, and the Explanatory Charter of 1726.

Yours respectfully,
WM. M. OLIN,
Secretary.

Providence, Rhode Island,
March 9, 1906.

Frank M. Sterrett,
Troy, Ohio,

Dear Sir:

In reply to yours of recent date, would say that in the early settlement of Rhode Island the first settlers had no just title to lands except what they derived from the Indians, but later a formal authorization was obtained from the English Parliament by our charter, a copy of which you will find in our State Manual, a copy of which is sent you this day under a separate cover.

Yours respectfully,
CHARLES P. BENNETT,
Secretary of State for Rhode Island.

Concord, New Hampshire,
March 5, 1906.

Frank M. Sterrett,
Troy, Ohio,

Dear Sir:

I am in receipt of your letter of February 29th, and in reply I would say that the ancient grants pertaining to New Hampshire fill some thirty-seven printed pages of Vol. I of the Provincial papers of

New Hampshire. There are no surplus copies of this book, as the edition issued in 1867 was exhausted many years ago. I presume a copy can be secured for reference from your State Librarian at Columbus.

Very respectfully,
EDWARD N. PEARSON,
Secretary of State.

Albany, New York,
March 5, 1906.

Mr. F. M. Sterrett,
Troy, Ohio,

Dear Sir:

This office is the record office of the colonial and State grants of New York and contains grants of land not only within the precincts of the State of New York, but within the bounds as now constituted of Massachusetts, Vermont, Delaware and New Jersey, including Martha's Vineyard and Nantucket.

Very respectfully,
FRANK D. COLE,
Deputy Secretary of State.

Hartford, Conn.,
March 5, 1906.

F. M. Sterrett, Esq.,
Troy, Ohio,

Dear Sir:

I am in receipt of yours of the 29th ultimo, and in reply thereto would say that the records of charters and grants of lands are preserved in this office and are scattered through various volumes. . . . You might write to Mr. Frank F. Starr, of Middleton, Conn., who is a professional record searcher, and who has had many years experience in searching colonial and State records. . . . We will extend to you the courtesies of the office and such help as may be in our power. . . .

Very truly yours,
THEODORE BODENWEIN,
Secretary.

Richmond, Virginia,
March 12, 1906.

Hon. Frank M. Sterrett,
Troy, Ohio.

Dear Sir:

In reply to your letter to the Secretary of the Commonwealth, I beg to say that all land patents for lands in the colony of Virginia are recorded in this office and all land grants from the Commonwealth from 1779 to this date. The Colonial patents begin in 1623 and run up to the Revolutionary War.

I enclose a brief of the records of the office and you can get a fair idea from this clipping.

Very truly yours,
R. C. KASLEY,
Clerk, Land Office.

In the above letters, or in others of a similar tenor, do we find trace of the King James Charter of 1606. We had expected to find trace of this either in Massachusetts or Virginia, the states where the first settlements were made under those charters but it will be observed that the Secretary of State for Massachusetts writes of their earliest record as being of 1621 which was a grant from the Plymouth Company of 1606, and not from the crown. It will also be observed that we cannot go back further in Virginia than 1623.

Through our able representative and lifetime friend, J. Warren Keifer, I was placed in communication with the librarian of Congress, and through our genial representative and friend, H. J. Ritter, with C. B. Galbreath, the Ohio State Librarian, who has been ably courteous to our every appeal for assistance.

Columbus, Ohio,
March 9, 1906.

Mr. F. M. Sterrett,
Troy, Ohio.

Dear Sir:

You will find in Ridpath's history of the

U. S., pages 85-92, a chapter and a chart of English grants. The London and Plymouth companies were granted title to land extending to the Pacific ocean. The westward extent to the grant to Sir Walter Raleigh is not given but I presume it was understood to reach to the western limits of territory claimed by the English at that time.

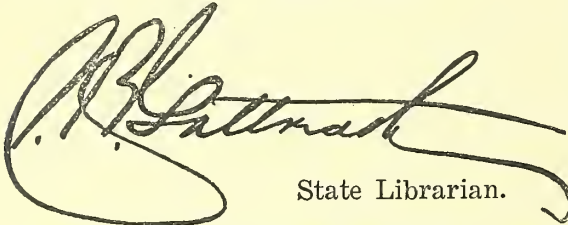
Very truly yours,
C. B. GALBREATH,
State Librarian.
Columbus, Ohio,

March 14, 1906.

F. M. Sterrett,
Troy, Ohio.
Dear Sir:

We send you by today's express V. 5, of the publications of the Ohio Archaeological and Historical Society. You will find the limits you are seeking described on page 2.

Very truly yours,



State Librarian.

The Vol. 5, above referred to, is today, as I write, lying on my desk without being taken from the wrappings under which it was enclosed at the State Library and will be so returned, without opening.

The City Hall of Troy is located on the southwest corner of Franklin and Market streets. In the corner room of the city building is located the Troy Library. In Section 910 of this library, devoted to history and travels peacefully resting on their shelf and not quite often disturbed, was a complete set of the proceedings of the Ohio Historical and Archaeological Society. On page 2 of Vol. 5 of this work the second section reads:

"And to that end, and for the more speedy accomplishment of their said intended plantation and habitation there, are desirous to divide themselves into two several colonies and companies: the one consisting of certain knights, gentlemen, merchants, and other adventurers, of our City of London and elsewhere, which are and from time to time shall be, joined unto them, which do desire to begin their plantation and habitation in some fit and convenient place, between four and thirty and one and forty degrees of the said latitude, amongst the coasts of Virginia and coast of America aforesaid; and the other consisting of sundry knights, gentlemen, merchants, and other adventurers of our cities of Bristol and Exeter, and of our town of Plymouth, and of other places, which do join themselves unto the colony, City of London and elsewhere, which are which do desire to begin their plantation and habitation in some fit and convenient place, between eight and thirty degrees and five and forty degrees of the said latitude, all amongst the coasts of Virginia and America as that coast lyeth."

It is readily seen that the two parallels between 38 and 40 are granted to both the London and Plymouth Company but another section of the charter provides that neither company shall settle within one hundred miles of each other, a provision which was manifestly intended to prevent friction between the two companies. It is equally clear that the southern parallel was the 34th at Cape Fear and the 45th; the northern boundary line of Vermont and New Hampshire; and not the 46th parallel or parallel 44 30/100 as Bancroft makes it and which Lodge reiterates. Page 94, Vol. I, of Hildreth's History of the United States, in referring to the boundary of these two grants, "between the 34th and 45th degrees of North latitude." Larned's history of the United States in treating of these two charters on page 28, says:

"It set the boundary of Virginia on the south at the 34th parallel of latitude (near Cape Fear) and on the north at the 45th (the northern boundary of Vermont) and gave a hundred miles of breadth from the coast."

Daniel J. Ryan, on page 7, Vol. V, of the Ohio Historical and Archaeological Proceedings, says:

"Its grant, territorially speaking, covered a strip of seacoast, fifty miles broad . . . with all the islands within one hundred miles of the shore."

Ridpath's History of the United States, page 85, places the boundary north and south between the 34th and 45th parallels of north latitude, in the following language:

"The 10th of April, 1606, was full of fate in the destinies of the Western Continent. On that day King James I issued two great patents directed to men of his kingdom, authorizing them to possess and colonize all that portion of North America lying between the 34th and 45th parallels of latitude. The immense tract thus embraced extended from the mouth of Cape Fear to Passama Bay and westward to the Pacific ocean."

The northern and southern boundaries being thus clearly established by other historians than Bancroft and Lodge, and by the charter itself as quoted; the eastern boundary being the Atlantic coast and the islands within one hundred miles of that coast between those parallels, the western boundary is brought into question.

Hildreth says, "And gave a hundred miles breadth from the coast"; Daniel J. Ryan says, "Covered a strip of seacoast fifty miles broad"; and Ridpath says, "Westward to the Pacific ocean."

Here are renowned historians differing about the boundary of the very most important early grant from 50 to more than 3,000 miles.

Section 4, of the charter itself as published on page 3, Vol. V, of the Ohio Historical and Archaeological Society makes

the same western territorial limit for both the London and Plymouth companies in the following language:

"From the said first seat of their plantation (on the coast) and habitation by the space of fifty miles of English Statue measures all along the said coast of Virginia and America, toward the west and southwest, as the coast lyeth, with all the islands within one hundred miles directly over against the same seacoast; and also all the lands, soil, . . . from the said place of their first plantation and habitation for the space of fifty like English miles, all alongst the said coast of Virginia and America, towards the east and northeast or toward the north, as the coast lyeth . . . from the said fifty miles every way, on the seacoast directly into the mainland by the space of one hundred like English miles."

The fifty miles here mentioned, in each case, refers to land to "the west and southwest" and to "the east and northeast and north" and must have been construed by Ryan to mean directly from the coast, whereas the charter distinctly says "directly into the mainland by the space of one hundred like English miles" which fully corroborates the statement of historian Hildreth. It will be seen that Ridpath is in total error in his "westward to the Pacific ocean."

The second charter of Virginia, dated May 23, 1609, from King James extends to the grant "throughout from sea to sea." The third charter, dated March 12, 1611-12, also grants "throughout from sea to sea, west and northwest." Ridpath evidently had in mind the second and third charters when he undertook to describe the first one. The Plymouth Company, called the Plymouth Company of New England had their grant extended from "sea to sea" in their new charter of 1620.

The Century Encyclopedia, in colored map, No. 18, gives the boundaries of these two important grants in the most intelligent form to be procured and fully cor-

roborate the first charter to have embraced the territory between the 34th and 45th parallels and one hundred miles into the land from the coast.

"Manhattan Island was discovered in 1609 by an Englishman, named Henry Hudson, commonly known in Dutch annals as Hendrix Hudson to give color to the claim that he was of Dutch origin. He was in the employ of the Dutch *last* India Company. The country was called the New Netherlands. The exclusive right to trade there was given to Amsterdam merchants. Afterwards, in 1621, the Dutch West India Company was given unrestricted control over the New Netherlands which had been explored 150 miles up the Hudson. This grant from the government of Holland was in conflict with the English right of discovery and included a part of the territory granted by King James to the Plymouth Company in 1606 between the 40th and 45th parallel, and was the beginning of adverse title between the English and other nations, which continued until the revolution and after that between the United States and England.

In 1620, the Mayflower, with the Pilgrim Fathers, landed at Plymouth Rock, under a contract they had made with the Plymouth Company for the use of the land of the latter, granted to them in 1606. These religious Pilgrims held their lands in common and commenced a civilization at New Plymouth in contradistinction to that being then built at Jamestown and fostered by the London Company.

In 1622, the Commonwealth of New Hampshire was founded by a grant given by the Plymouth Company to Mason and Gorges for a tract of land bounded by the rivers Merrimack, St. Lawrence, Kennebec and Atlantic ocean.

In 1634 Maryland was settled at a place called St. Mary under a grant received by Cecil Calvert, a son of Lord Baltimore, the latter having died after the original grant had been issued to him. The settlement was actually made by Leonard, a brother

of Cecil. The Calvert or Maryland grant was made from land between the north and south of Virginia."

Bancroft, on page 241, Vol. I, says: "The cancelling of the Virginia patents had restored to the monarch the complete authority of his prerogative over the soil; he might now sever a province from the colony to which he had first assigned a territory so vast" and further on, the same page says, "The ocean, the fortieth parallel of latitude, the meridian of the western fountains of the Potomac; the river itself from its source to its mouth, and a line drawn due east from Watkins point to the Atlantic." These were the boundary lines of the first independent government in North America. Sir George Calvert, although a Roman Catholic, in accordance with the power granted in his charter, established the legislative franchises of the people and invited all sects and parties to settle in his colony. It will be noticed that this Maryland grant embraced the territory as far north as the 40th parallel, which would include all the counties of southern Pennsylvania, south of a line east and west of Philadelphia. The subsequent grant of Pennsylvania to William Penn was regarded as overlapping the Calvert grant and was the occasion of dispute between the two States which finally was adjusted by the survey of Mason and Dixon which established the present boundary between the two States and gave origin to the famous Mason and Dixon line, the practical boundary between slave and free territory.

In 1633, the Puritans from New Plymouth commenced a settlement on the Quonehticut river, one at New Haven in 1636 and one at Hartford in 1638 which were afterward united and formed the nucleus for the Commonwealth of Connecticut.

In 1636, Roger Williams was banished from Massachusetts and settled under a grant presented to him by the Indians, on Narragansett Bay. Others joined him



JOHN ALDEN AND PRISCILLA

"Why don't you speak for yourself, John?"—Longfellow.

and still others of his belief formed colonies at Providence and Aquiday (now Rhode Island) and were united and made the beginning of the present state of Rhode Island.

Delaware was first settled by the Swedes in 1681.

Harper, page 383, Vol. 6, says:

"A few Dutch traders from New Amsterdam seem to have settled at Bergen about 1620 and in 1623. A company, led by Captain Jacobus May, built Fort Nassau at the mouth of the Trimmer Kill, near Gloucester. There were four young married couples, with a few others, began a settlement the same year. New Jersey was claimed by the New Netherlands and there was much quarreling and fighting between the claimants until the greater portion of it passed into the hands of William Penn and his friends. The settlement at Elisabeth was commenced in 1644.

"Some settlers went to North Carolina from Jamestown between the years 1640 and 1650, and in 1663 a settlement in the northern part of North Carolina had an organized government and the county was named Carolina in honor of Charles Second of England. In 1668 the formation of the Commonwealth of North Carolina was laid at Edenton.

"In 1670 some people from Barbadoes sailed into the harbor of Charleston and settled on the Ashley river.

"In 1681 William Penn received a grant from King Charles the Second on account of a debt due from the crown to his father for 45,000 square miles now embraced in the States of Pennsylvania and Delaware.

"The benevolent General Oglethorpe, commiserating the condition of the prisoners for debt in England, conceived the idea of founding a colony in America with them. The government approved the project, and in 1732 he landed with emigrants on the site of the city of Savannah and

there planted the germ of the Commonwealth of Georgia."

Although the settlements which went to form the United States were composed of people from all nations and of every religious persuasion, they produced two currents of civilization, emanating from Jamestown and Plymouth Rock which were destined to progress on parallel lines of latitude until they overlapped each other in blood on the plains of Kansas.

The one current was Puritan, the other Cavalier. One was democratic, the other aristocratic. The political and social fabric of one rested on free labor. The best youth of one section were educated to do things in the world. The best youth of the other section were too frequently educated on lines calculated to produce men of elegant leisure. The men who invented sewing machines, steam engines, cotton gins, and created the age of iron, steel and electricity were exclusively from one section and those who bred fine and fast horses and practiced the code of honor were as a rule from the other section.

The 40th parallel of latitude, the boundary line between the Plymouth and London companies was practically the boundary line between free and slave labor. On that line today and near it are the cities of Boston, New York, Philadelphia, Baltimore, Washington, D. C., Harrisburg, Pittsburgh, Columbus, Springfield, Dayton, Cincinnati, Indianapolis, Springfield (Illinois), St. Louis, Jefferson City, Kansas City, Topeka, Denver, Salt Lake City, Sacramento and San Francisco. A line strung with the jewels of a civilization which outrival that of any other people of any other time, with an aggregate population of 100,000,000 souls and a spiritual and material character beyond the dream of Rome or Cathage.

If the London Company, afterward chartered as the Virginia Company and the Plymouth Company, afterward char-

tered as the New England Company, were yet in existence, the southern half of Ohio would be in Virginia and the northern half in New England. Belmont, Guernsey, Muskingum, Licking, Franklin, Madison, Clarke, Miami and Darke counties would be part Virginian and part Puritan. The towns of Brandt, Rex, West Charleston, and Phoneton in Bethel township, Tippecanoe City and Ginghamburg in Monroe township and Fidelity, Laura, Potsdam and West Milton in Union township would be Virginian and all other towns and cities of Miami county would be Puritan. The fortieth parallel of latitude runs about half way between Troy and Tippecanoe City. If this political division still existed, we presume the Virginian and Puritan youth of Miami county would be crossing and recrossing the line with the same consistent regularity that they are now doing and pay court to the comely Virginian and Puritan maidens of the beautiful valley in the same old-fashioned and not to be improved on way. Our lawyers would of necessity practice more international law and a zone of reciprocity in trade would control our border dealings.

Since writing the above, we have discovered an error in the statement made about the 40th parallel line through Miami county, which error we propose to correct by relating the story of how it was made and the circumstances under which the error was discovered.

On a May morning of 1906, while sitting in front of my home, at the corner of Plum and Franklin streets, in Troy, the well-known attorney at law, Charles N. Burns, with whom I frequently had conversations about my work, stopped to talk with me and we soon found ourselves differing in our memories about certain matters, when to settle the same we ad-

journed to my study on the upper floor of my house. During the conversation that ensued, a good part of the above chapter was read by me to Mr. Burns.

He at once informed me that he felt sure that the 40th parallel, instead of being a line half way between Tippecanoe City and Troy, ran north of Troy and that hence that if the old Plymouth and Jamestown division still existed, Troy would be Virginia instead of Puritan.

In reply, I showed him the latest United States map, hanging in my room, which corroborated the statement as made. I also referred to the fact that I had consulted the United States maps in the Troy library and that they corroborated and, in fact, had furnished the authority for the statement. We parted with the understanding that each of us would look more closely into the matter.

During the same day, in a conversation with former Common Pleas Judge H. H. Williams, I was led by him to seek the County Infirmary Farm. The Judge told me that during the past twenty years it had been ascertained that the old survey of the 40th parallel was about eight miles too far south and that a re-survey had established that to be true, and that one of the government monuments was located on the Infirmary farm.

My nephew, Sterrett Faulkner, drove me in his auto to the farm, where, on the south side of the orchard, about one hundred feet from the Troy and Piqua pike, the government monument stands and fully establishes the fact that the 40th parallel passes north of Troy. It has occurred to us that readers of history should be carried, as nearly as may be, through the methods of the author to procure facts and hence much of the foregoing brought out in this chapter.

The discovery of the Mississippi by DeSoto in 1542 having ended disastrously to that expedition, and having resulted in no settlement by the Spaniards, the latter had therefore obtained no title to the valley and those of its tributaries through which the river flowed. The voyage of Marquette and Joliet, connected with the subsequent settlement and occupation of the valleys of the great river and tributaries, gave the French a title to all the land between the Allegheny and Rocky Mountains, an empire nearly as great in population today; four times as large in area and a hundred times as great in natural resources as the whole of France.

They commenced their return on July 17th just two months from the date of their departure from Mackinac. They had been on the river from the mouth of the Wisconsin to the mouth of the Arkansas, exactly one month and had floated six hundred miles in a straight line or about twice that far by the bends of the river. They stopped at Kaskaskia, where Marquette preached to the Indians of that tribe and made them a solemn promise to come back to them when he would set up an altar and preach to them regularly. The Kaskaskias told Marquette of a shorter route and portage than the Wisconsin river by which he had entered the Mississippi. They, therefore, returned by the way of the Illinois river to its head waters and thence by a short portage to the Chicago river and thence down the same to its mouth at the present site of Chicago.

Marquette says: "Nowhere on this journey did we see such grounds, meadows, woods, stags, buffaloes, deer, wild cats, bustards, swan, ducks, parroquets and even beavers as on the Illinois river."

They arrived back in the Green Bay country among their friends, the Miamis, in September, 1673, and had been about two months making the trip from the Arkansas by way of the Illinois, Chicago and lakes or about the same length of time it had required them to go from Mackinac

to the mouth of the Arkansas. They had traveled twenty-five hundred miles in open canoes on a mission fraught with incalculable importance to the human race and were the forerunners of a civilization in the Mississippi valley which in the next two hundred years had outstripped in that period of time all other periods in the annals of time. The Journal of Marquette with his autograph map may be found in Shea's "Discovery and Exploration of the Mississippi Valley (New York, 1852)." The Journal of Joliet was lost on his way back to Quebec by the upsetting of his canoe.

For a year and a half after his return from the Mississippi trip, Marquette was an invalid, but, finally, in memory of the promise he had made to his Kaskaskia Indian friends, he returned to them in 1675 and set up a mission there, a few miles southeast of the city of St. Louis, Mo., not far from the east bank of the Mississippi and there he celebrated the festival of Easter. Soon after he commenced this work, his health warned him to begin his return to Mackinac. He reached the Marquette river in the State of Michigan and died there in the presence of the two Frenchmen who had accompanied him from Green Bay. He was buried on the spot but his remains were carried to Mackinac two years afterward.

For four years after the death of Marquette, the work of the missions and settlements in the newly discovered Mississippi valley were permitted to languish. In 1679 the commanding and indomitable spirit of LaSalle begins at the place where Marquette left off, but, before we chronicle his career as the successor in the work of Marquette and Joliet and for the sake of more perfect continuity in tracing the title at which we are aiming, let us briefly introduce Robert Cavalier LaSalle and his work of exploration in this country.

He was born in Rouen, France, in 1643. He was educated as a Jesuit but had no inclination for the priesthood and had

shown remarkable scholarship. He came to Canada as an adventurer in 1666. He had a brother, Jean Cavalier, who was a priest of St. Sulpice in Canada. He had lost his inheritance on account of having entered a religious order and his financial resources were very meager. He accepted a feudal grant of land at La Chine Rapids, near Montreal, where he diligently studied the Indian languages and became quite proficient in Iroquois and several dialects of Algonquin. The Seneca Indians, at that time, lived largely in what is now western New York. A party of them visited him at La Chine when they told him much about a river called the Ohio which had its head waters in their country. From what these Indians told him, he formed the opinion that the Ohio emptied into the South sea and if so, it would prove the long sought short passage to China. He sought and obtained authority for an expedition of discovery.

The Governor General issued letters patent to him, but did not provide any money with which to pay expenses. In this dilemma he sold his improvements for the sum of twenty-eight hundred dollars to the Superior of St. Sulpice, with which he fitted out the expedition with supplies and four canoes.

On the 6th of July, 1679, three years after his appearance in Canada, and three years before Marquette and Joliet had made their voyage of 2,500 miles on the northern lakes and the Mississippi River, this discoverer, with twenty-four men and seven canoes, accompanied by two additional canoes containing the Indian guides, started up the St. Lawrence, and having passed over Lake Ontario, entered the mouth of the Genesee River and rowed up the same for a distance of about ten miles, near where the city of Rochester, New York, now stands. It was the site of a Seneca village then, from whom LaSalle had first learned of the Ohio River. They seemed unfriendly to his enterprise, and being unable to procure guides to conduct

him to the headwaters of a stream that led either to the Ohio or some tributary of the same, he re-embarked his following and glided over Ontario to its head at the mouth of the Niagara River, where the Iroquois then lived in large numbers. This tribe received him in a friendly manner. LaSalle learned from a Shawnee prisoner that he could reach the Ohio River in six weeks. It is not certain by what route LaSalle reached the Ohio River, but the generally accepted theory is that he made the portage to Lake Chautauqua, from which the Allegheny springs, and floated down the river to its mouth, where with the Monongahela the Ohio is formed, and that he floated down the latter as far as the present site of Louisville, Ky.

At this time there was no English settlement west of the Allegheny Mountains, and no French settlements west of the range, except those of the lake region. It is almost certain he met no Indians on the Ohio side of the river, within the present limits of the State, on account of the destructive war just before waged by the Iroquois, who had driven the Ohio Indians back to the Mississippi and to the northwest. It was not until the beginning of the eighteenth century that these western Indians commenced their return to Ohio.

The discovery of the Ohio by LaSalle formed the first title to the Ohio country that the white man ever had aside from the King James the First grant to the London and Plymouth Companies, in 1609, "from sea to sea." It has been shown in a former chapter that King James had no conception of that grant, and that under international law he could not make such a grant. The title acquired to the Ohio country was the right of discovery, and embraced that part of Ohio south of the divide from which the streams of the State part; some flowing to Lake Erie and others to the Ohio. The territory of Ohio north of the divide had belonged to the French by the same right of discovery made by the Jesuits several years previous, and this



CHEVALIER DE LASALLE
Discoverer of the Ohio River

right, then recognized by all civilized nations, was strengthened a few years afterward by actual settlement and occupancy, added to title by discovery. It is our desire to carry the story of attempts to explore and settle by the French and English in as nearly a contemporaneous manner as possible. Two years after LaSalle's discovery of the Ohio, the first attempt of the English was made in the direction of discoveries west of the Alleghenies. The briefest and most comprehensive statement we have been able to find is on page 38 of King's Ohio, which reads: "Captain Thomas Batts, with a party of English and Indians, was sent by Governor Berkeley in September, 1671, to explore and find out the ebbing and flowing of the water behind the mountains in order to the discovery of the South Sea." After a march of thirteen days from Appatomax through the forests and over steep mountains they came upon waters running west of northwest through pleasant hills and rich mountains. They encountered a river "like the Thames at Chelsea," and following its course came, on the sixteenth day, to a fall that made a great noise, probably the Falls of Kanawha. Here the journey ended, the Indians refusing to go further under the pretense that they could catch no game on account of the dryness of the ground and the sticks; but really from dread of the tribes down that river, from whom, as they reported, travelers never returned. In this country below, they also reported there was a great abundance of salt. His escort being unmanageable, Captain Batts was compelled to return. LaSalle, with such an opportunity, would soon have found the Ohio river. As contemporaneous with the discovery of the Ohio by LaSalle in 1669, and the expedition of the English in search of the Ohio under Captain Batts, in 1671, which latter ended in failure. It is well to state here that nearly all authors agree that the present State of Ohio had no Indian population from 1660 to 1700. The six nations had driven the various Indian

tribes of this region westward to the Mississippi, and beyond in some cases, and had then returned to their habitat, principally in New York, claiming the entire country west to the Mississippi. It is well to remember at this time that the Miami Indians are mentioned for the first time in history by Marquette, when he found them two years after Captain Batts' failure to find the Ohio, and four years after LaSalle's discovery of the same. Let us here further remember that the Miami Indians, found first by Father Allonez, at Green Bay, in 1658, and afterward by Marquette, in 1673, at that time occupied the country on the west shore of Lake Michigan and Lake Winnebago, the south shore of Lake Michigan, on the Chicago River, and the east shore of Lake Michigan, on what is now known as the St. Joseph River, from which point they gradually extended into the Wabash and Maumee valleys, the only country that tribe ever claimed as its own, and the only land ever ceded by it to the United States (east of the Mississippi River) were these lands of the Wabash and Maumee, but *not a foot of land did they ever cede to the French, English or the United States in the Miami River country except such cession as was contained in common with the other tribes who participated in the treaty of Greenville in 1795.*

There is no certainty about the length of time LaSalle spent in his discoveries along the Ohio River. It is conjectured by some writers that he spent a good part of the time between 1669 and 1674 in Ohio River explorations, as the record of his life, which was a singularly active one, is largely silent about this period. He had, during this period, however, conceived the gigantic scheme of uniting Quebec and New Orleans by a chain of forts, trading posts and agricultural settlements. In this great work he had the support of his friend Frontenac, the Governor of Canada. This plan was undoubtedly born in his mind when in 1669 he was with the Iro-

quois Indians at the mouth of the Niagara River, when they turned over to him the Shawnee Indian, who conducted him on his Ohio discovery. While at this point, a few days before his departure, Louis Joliet stopped for the night with the Iroquois on his way back from the western lake region to Quebec. It was from Joliet that he learned of the Green Bay country and the Indian story about the great river to the west, which Marquette and Joliet corroborated by their journey there, already related.

One year after the discovery of Marquette and Joliet, being in 1674, LaSalle built Fort Frontenac at the foot of Lake Ontario, where Kingston now stands. He created a squadron of four vessels and engaged largely in the fur trade, and made this fort the center of that trade. In 1678 he established a trading post at the western end of the lake, at the mouth of the Niagara River, at the point from which he started for his Ohio discovery in 1669. In 1679, with Tonte and Hennepin, he sailed over Lakes Erie, Huron and Michigan and landed at Green Bay, Wisconsin, where he established a fur trading post. He crossed Lake Michigan during the same year and established Fort Miami at the mouth of the St. Joseph River, in southwestern Michigan, on the present site of the city of St. Joseph, in honor of the Miami Indians, who lived on the western, southern and eastern shores of the lake at that time. In 1680 he established Crevecoeur Fort, near the present site of the city of Peoria, Illinois. Some time prior to this he had loaded a vessel called the Griffin with a cargo of furs of immense value, with which to pay off his debts left behind in Canada. The time had long past when he should have heard from this venture, and in fear of her loss, which proved too true, he left Tonte in command at Crevecoeur, sent Hennepin down the Illinois and thence up the Mississippi on a voyage of discovery, while he himself returned to Quebec by way of the Illinois and Chicago

Rivers, Lake Michigan and Fort Miami. He crossed Michigan to a river flowing into the Detroit, and thence overland to Lake Erie; commencing somewhere near the present site of Toledo, Ohio, he navigated the entire length of that lake to Niagara Falls, at the foot of which was one of his trading posts.

During the absence of LaSalle, Hennepin had navigated the Mississippi as far north as the Falls of St. Anthony, where he was captured by the Indians and afterward released. Tonte had been compelled to abandon Crevecoeur on account of an Indian war, and had returned to his friends, the Miami Indians, in the Green Bay country.

On the return of LaSalle, he gathered the Green Bay contingent and went down the Illinois River to its mouth and gazed on the Father of Waters for the first time, and eight years after its discovery by Marquette and Joliet. He returned by the Illinois and Chicago Rivers and Lake Michigan to Fort Miami. From this point, late in December of 1681, he returned by the same route to the Mississippi River, and was borne on its mighty current until it separated into three channels. DeTonti explored the great middle channel. The whole company then assembled at a dry spot near the gulf and there prepared a cross and a column, affixing to the latter the Arms of France and this inscription: Louis, the great King of France and Navarre, April 9, 1682. He also buried there a leaden plate with a Latin inscription. The whole company then signed a *process verbal* in the following order:

LaMe'tarie (Notary),
De La Salle, P. Zenobe,
(Re'Collet Missionary Henri De Tonti,
Francois Bousiondet,
Jean Bourdon,
Sieur d'Au'tray,
Jacques Canclois, Pierre You,
Giles Mencret,
Jean Michael (Surgeon) Jean Mas,
Jean Suglignon,

Nicholas de LaSalle

"LaSalle formally proclaimed the whole valley of the Mississippi and the region of its tributaries a part of the French dominions and named the country Louisiana in compliment to the King. So was planted the germ of the Empire of the French in the region which flourished in the eighteenth century."

At this time, in 1682, when LaSalle had completed the line of forts and trading posts from Quebec by way of the great northern lakes, the Illinois and Mississippi Rivers to New Orleans, all of the original English colonies had made settlements except the one at Savannah, Georgia, afterward founded by Oglethorpe. William Penn had just received and was commencing the settlement of his grant in Pennsylvania and Delaware, but in no case had an English settlement been made west of the source of the Atlantic coast streams.

LaSalle left Tonti in command of the west and returned by the same route he had come, visiting the Miami Indians in Green Bay. From Quebec he went to France, where he was received by the King with great honor. He outlined to the Court the scheme which was probably born when he first met Joliet, in 1669, at Niagara, and had grown in his fertile brain until now it comprehended not only the settlement of the whole country between the Allegheny and Rocky Mountains, but also the conquest of the rich mining country of northern Mexico. A patent was granted him and he was made the commandant of the whole country from the State of Illinois to Mexico and to the Rocky Mountains. In 1684, with 280 men in four ships and Benjean as navigator, he sailed for the mouth of the Mississippi, the deltas of which he had explored two years before.

By some miscalculation or treachery upon the part of Benjean, the vessel passed the mouth and finally anchored off Matagorda Bay, where their store ship was wrecked and their supplies were lost. The

colony landed and built a fort and called it St. Louis. They endeavored to subsist by tilling the soil, and were subject to many Indian attacks. Their ranks became decimated by death through battle, disease and hardships until but forty remained. During their four years' stay at Matagorda Bay, they made some explorations mostly in search of the precious metals, but they had been disappointed in their quest in both old and new Mexico.

At this crucial period the indomitable nature of LaSalle asserted itself in a plan to divide the remnant of his party, leaving some at Fort St. Louis, while he and the remainder would make the long march across what is now the State of Texas, and reaching the Mississippi, ascend that stream, and by way of the Illinois reach his old friends, the Miamis, at Green Bay, and from thence probably by the old route to Quebec, where he might furnish another expedition. He took with him his two nephews and thirteen others. He had penetrated to a point on the Trinity River, when, missing one of his nephews, he turned back to look for him and was shot by one of his own followers, who had previously killed his nephew. Nearly all those left at Fort St. Louis were massacred by the Indians, and the remainder were captured by the Spaniards sent to drive them out.

Thus ended the life of one of the most remarkable explorers that the world has ever produced, but the great scheme of his mind to build up a great New France in America was to be carried forward by others.

At the close of the seventeenth century, LaSalle seems to have effected a combination of the Illinois tribes, the Miamis, Shawnees and other nations of the northwest, and with them erected a fort on the Illinois River, at Peoria, in the winter of 1682-3, behind which the confederated tribes were rallied. At this the Iroquois took offense, and in March, 1684, during the absence of LaSalle in France, they

again burst into fury against the Illinois and other tribes. They assaulted Fort St. Louis three times, but were repulsed. After a siege of six days they retreated and were pursued by the Miamis and their confederates. It was the first check the great fighting nation of Iroquois had ever suffered, and proved their last appearance in Illinois. What Indians in Ohio at that time? Probably none. According to King's Ohio, there were a number of French posts on the southern shore of Lake Erie as early as 1701, long before any claim was made by England to the territory now embraced in the State of Ohio, except the King James grant of 1606 and the Cabot discovery of 1497. On page 26 of Jefferson's "Purchase and Exploration of Louisiana," he says: "But the practice of nations on making discoveries in America has sanctioned a principle that where a nation takes possession of any extent of sea coast, that possession is understood as extending into the interior country to the sources of the rivers emptying into that coast, to all their branches and the country they cover," and it was in support of this principle that France entered into war with Great Britain in 1755. On page 46 of King's Ohio, he says that Cuyahoga, Sandusky, Detroit, Mackinac, Fort Miami on the St. Joseph, and the head of the Maumee were all in possession of the French in 1687, and that "the first white population and the first European rule in Ohio must have been French," and further, on page 47, "This line of communication had become so well established that, in 1718, Governor Spotwood, in a despatch to the Board of Treaty, could state the itinerary or distances between Montreal and the Mississippi by the route of the Mie and Accabacke, as he styled the Maumee and the Wabash. There was a mission established among the Senecas, south of Lake Erie, by Father Dablon as early as 1654, corroborated in King's Ohio, on page 35. There seems to be absolutely no reasonable English title to any lands northwest of the

Ohio River during the seventeenth century, and it seems equally certain that no Indian tribes lived permanently in the territory now embraced in the State of Ohio, except the Senecas, during the years between 1660 and 1700, and it was during this period that the French acquired title to all lands in Ohio to the headwaters of the streams flowing into Lake Erie, and during this same period that LaSalle discovered the Ohio, which discovery gave French title to the lands of Ohio up to the headwaters of streams emptying into the Ohio. The first English settlement, northwest of the Ohio River, was not made by Virginians, as is usually supposed, but by settlers from Maryland and the Carolinas, who came across the mountains to Tennessee to trade with the Indians, and in 1703 established a colony at the mouth of the Wabash. It was discovered at this time that some of the Miamis at the St. Joseph had been visiting Albany, and were disposed to remove further from the French by going down the Wabash. This inclination upon the part of the Miamis was resisted by the French, and produced a coolness between the Miamis and the French. Vincennes was sent to St. Joseph in 1704 to restrain them, but did not succeed. During this year, Cadillac, of Detroit, attacked and destroyed the Miami fort at St. Joseph which had been erected by LaSalle in 1679, and from this time on the French lost control of the Miamis, and the Miamis moved toward the Wabash and traded with the English at the settlement established at the mouth of that river, called Albany. In 1721, Vandreme, the French Governor, discovered through a despatch to the minister that the English had succeeded in drawing the Miamis away from St. Joseph. He reported that Vincennes, whom he had sent again to regain control over them, had died at their village on the Wabash, and that they now refused to return.

In October, 1725, the Carolina and Maryland English had progressed from

Shawneetown, at the mouth of the Wabash, so far as the present site of Ft. Wayne, where the Wabash is formed by the junction of the St. Joseph and St. Marys. Benharnois, the French Governor, in October, 1731, made a compact with the Shawnees, on the lower Wabash, to kill the horses and carry off the goods of the English. He writes at that time, "If these succeed the English will think no more of forming establishments in these parts." The supposition is that the Shaw-

nees kept their word, since the Shawneetown and Ft. Wayne English settlements were never after chronicled, and this left no white settlement, other than French, west of the Alleghenies in the year 1725. In 1744, the Miamis of the Wabash, Maumee and Detroit Rivers were joined by the Hurons and Wyandottes in an attack on the French settlements at Sandusky, whom they robbed. At this time, both French and English navigated Lake Erie and traded with the Indians.

CHAPTER V.

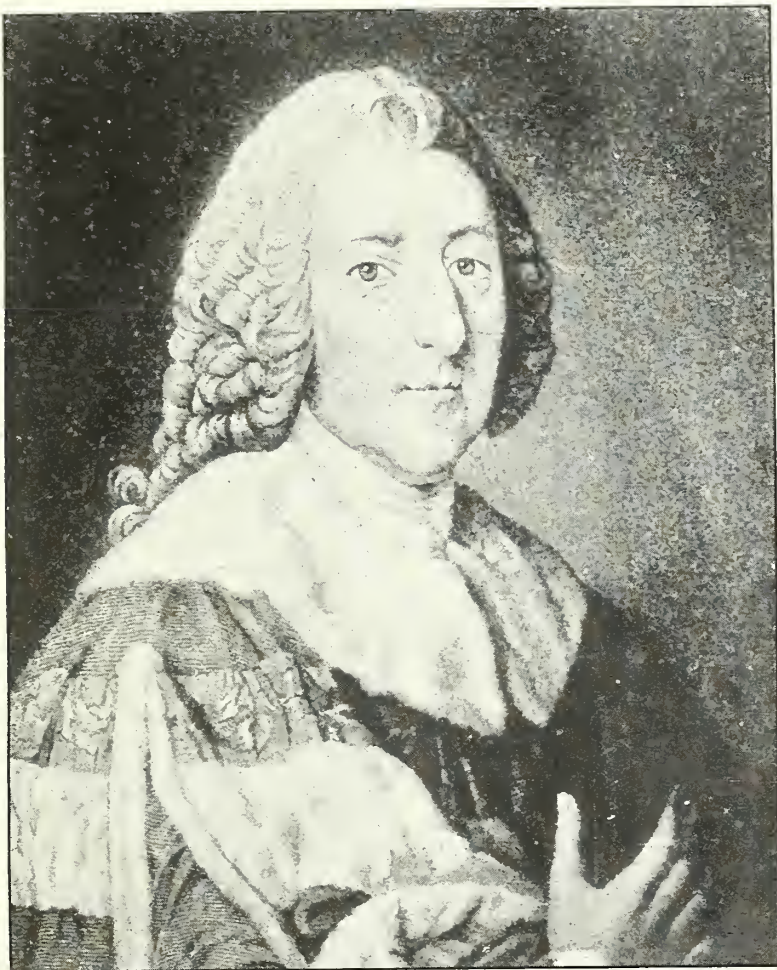
THE ENGLISH TITLE

AFTER four years of war between England and France, concluded by the Treaty of Peace at Aix-La-Chappell, in 1848, the title to the lands between the Alleghenies and Rockies which formed one of the causes for that four years' war and which had been a subject of altercation between the two powers for a quarter of a century, was determined only by the vague agreement that it should be left the same as it was before the war. In this uncertain condition, each party hurried to occupy as much territory as possible. The English, French and Spanish each claimed America by the right of discovery which was not, according to Jefferson and other eminent authority, necessarily a lawful claim unless such discovery had been followed by settlement and occupancy. Under this latter rule, England held a good title to all lands on the Atlantic coast within the present limits of the United States, except Florida, as far west as the source of streams which flow into the Atlantic ocean. The title by right of discovery by Cabot and son in 1497, of the Atlantic coast in present British America first rested with the English but by re-discovery, in 1534 by Cartier and the settlement thereof, to the French and embraced all the territory as far west as the head waters of streams that flow into the St. Lawrence and the great lakes.

England claimed title to lands west of the Alleghenies through the King James I Charter from "sea to sea" and also through the treaty with the six nations at Lancaster, Pennsylvania, in 1744. The

King James title, it is admitted generally, was not good west of the Alleghenies and the Lancaster treaty, which we have already mentioned in Chapter 2 of this work, the reader will recollect seems to have accomplished the purpose only of healing a breach between Virginia, Maryland and the six nations with Pennsylvania as mediator. The glowing accounts of this new land covered with rich verdure and mighty timbers, abounding in wild and fur-bearing animals, theretofore unknown; a land of boundless fertility and vast mineral resources, covering a region of wonderful valleys between the two great mountain ranges, determined King George III and his advisers, to obtain the possession of it by conquest, the most indisputable character of title. This resolution and subsequent accomplishment created more far-reaching results than any other act in the world's history. It was to eventuate, within thirty years thereafter, in the establishment of a new nation, founded on the doctrine of the equality of all men before the law; a nation greater than Babylon in its splendor, Rome in her conquering power or Carthage in her munificent riches.

Soon after the treaty of Aix-La-Chappelle, an association of London merchants and Virginia land speculators, known as "The Ohio Land Company," obtained from the crown a grant of 500,000 acres of land on the east bank of the Ohio river with the exclusive privilege of the Indian traffic and this organization was for the more specific purpose of checking the claim of the French to these



SIR WILLIAM PITT
For Whom Pittsburg Was Named

"The atrocious crime of being a young man, which the honorable gentleman has charged upon me, I shall neither attempt to palliate or deny, but content myself with hoping that I may be one of those whose follies cease with their youth and not of that number who are ignorant in spite of experience."

—*Reply to Sir Robert Walpole.*

lands. A Delaware chief said to Gist, the agent of the Company, "The French claim all the land on one side of the river and the English claim all the land on the other side of the river; where is the Indian's land?" This significant question was answered by Gist: "Indians and white men are subjects of the English King, and all have an equal privilege in taking up and possessing the land." Gist might have answered to more account if he had replied: "Your people claim all of North America and there are but 250,000 of you. If your claim is just, it would give each Indian family several hundred square miles of land for which they would have no use and no facility, and no desire to cultivate, and all this when the other people of the world are in need of bread and have the power and desire to use the land to create the bread."

When the French learned of the formation of The Ohio Land Company, they took immediate action to checkmate its influence. In 1749, the Marquis de La-Galliomirre, Governor of Canada, sent Celeron de Bienville to claim the land embraced in the English land grant in the name of the French King and thus, within one year after the treaty of Aix-La-Chappelle, both of the parties to the same were preparing for another war. Celeron planted plates at the mouth of the Kanawha, Muskingum, the Scioto and the last one at the mouth of the Miami. These plates were leaden and each inscribed as follows: "In the year 1749, the reign of Louis XV, King of France, we, Celeron, Commandant of a detachment sent by Monsieur the Marquis of Galliomirre, Commander-in-Chief of New France to establish tranquility in certain Indian villages in these cantons, have buried this plate at the confluence of the Ohio and of the To-Ra-Da-Koin, this 29th of July, near the river Ohio, otherwise beautiful river, as a monument of renewal of possession, which we have taken of said river and all its tributaries and of all the land on both

sides, as far as the source of said rivers—inasmuch as the preceding kings of France have enjoyed and maintained it by their arms and treaties, especially by those of Ryswick, Utrecht and Aix-la-Chappelle."

Celeron ascended the Miami river and reached the old Indian town of Pickawillany, two miles north of Piqua, where "Old Briton" and other English traders had established themselves and had under their protection some Tewigtwee Indians, a branch of the Miamis, the main body of the latter being located on the northern Miami-Maumie and on the Wabash near Ft. Wayne.

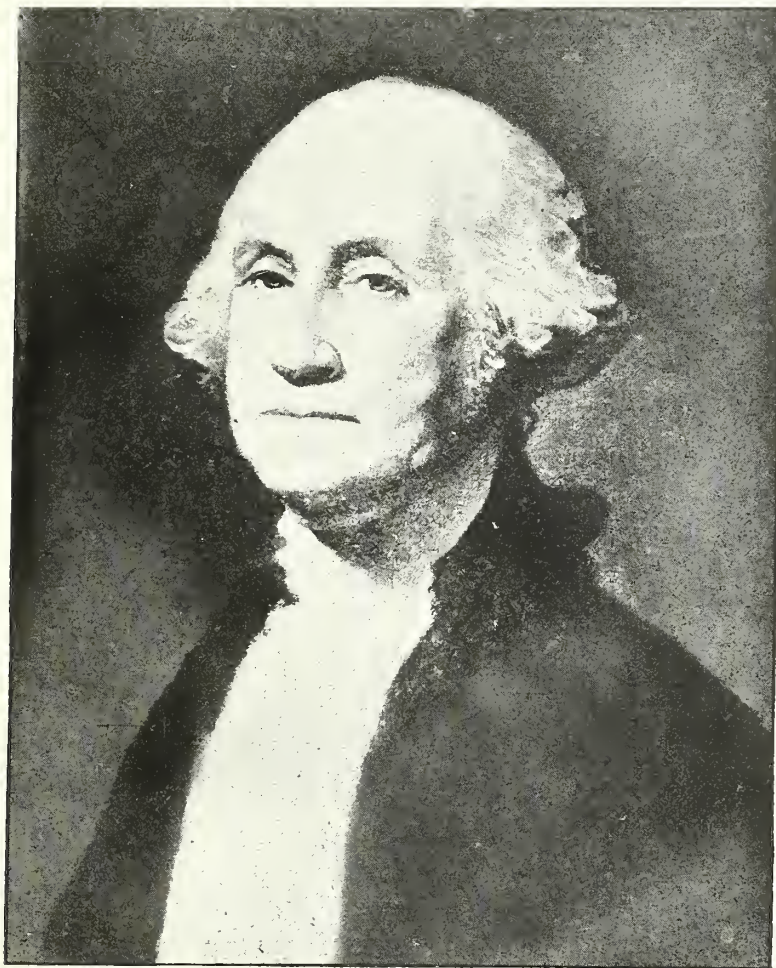
This trading post was one of the two settlements ever made by the English west of the Alleghenies. The other was at the mouth of the Wabash, at the present site of Shawneetown, in Illinois, which, through the instigation of the French, was annihilated by the Shawnees from Vincennes. The English followed DeBienville to Piqua the very next year of 1750 in the person of Christopher Gist, an agent of The Ohio Land Company, if several histories of that fact are to be relied upon but since the charter of that company issued by the crown was given to lands *east* of the Ohio in the Kenawha river country, it is altogether likely that Gist, the companion and friend of Washington, was in this section of the Miami Valley at that time on the business of looking up lands for private individuals. It is well at this juncture to note the distinction between "The Ohio Land Company" chartered by the Crown and "The Ohio Company" chartered by the government of the United States many years afterward. Gist did not arrive at Piqua until early in 1751 and was kindly received by the Great Sachem of the Miami confederacy, rivals of the six nations, with whom they were at peace. Agents of Pennsylvania and Virginia were there, intending to make a treaty of friendship and alliance and there were also English white traders including

"Old Briton." A preconcerted effort seems to have been made to secure a large attendance at this gathering. In fact it was the first council held by the English with Indians west of the Alleghenies. Piqua was then a town of 400 families, the largest in the Ohio region (population now, 1916, 16,000). On February 21, 1751, the treaty was concluded and just as it was signed some Ottawas came with presents, again illustrating how carefully each move was being watched and counterplotted. These presents were from the Governor of Canada. The Ottawas were admitted into the council and expressed a desire for a renewal of friendship with the French. A sachem arose, and setting up the colors of the English and the French, denounced the latter as enemies of the Miamis. Having delivered his speech, he strode out of the council, when an Ottawa chief, the envoy of the French wept and howled, pretending great sorrow for the Miamis. After one or two more speeches by braves in favor of the English, the great war chief of the Miamis, in the presence of the Ottawa ambassadors spoke as if to the French, saying, "Fathers, you have desired that we should go home to you; but I tell you it is not our home for we have made a path to the sun-rising and have been taken by the hand by our brother, the English, the six nations, the Delawares, the Shawnees and the Wyandottes, and we assure you, in that road we shall go. And as you threaten us with war in the spring, we tell you, if you are angry, we are ready to receive you and resolve to die here before we will go to you. That you may know this is our mind, we send you this string of black wampum. Brothers, the Ottawas, you hear what I say. Tell that to your fathers, the French, for that is our mind and we speak it from our hearts." The colors of the French were taken down and their ambassadors were dismissed. On March 1, 1751, Gist took his leave bearing the above message to the English beyond

the Alleghenies. "Our friendship shall stand like the loftiest mountains," said Gist, but the treaty was to cost the destruction of the Miamis at Piqua. In June, 1752, the French and Indians from Sandusky struck the Miamis a strenuous blow. Piqua was destroyed and the great Chief of the Miami confederacy was taken captive, sacrificed and eaten by the savage allies of the French and thus what is known in history as the seven years' war between England and France was begun on the soil of Miami county and continued for four years in America before the formal declaration of war by England in May, 1756, and concluded by the Treaty of Paris in 1763. Let us trace its events hastily for the chronological sequence.

One year after this first battle of the French and English War, fought at Piqua, in Miami County, a young surveyor, 19 years of age, named George Washington, made his first appearance on the public stage of action. He was appointed by Governor Dinwiddie, of Virginia, to try the effect of a final remonstrance with the French. The paper carried by Washington set forth the nature and extent of the English claim to the valley of the Ohio.

On the last day of October, 1750, Washington set out on his long journey from the seat of government for Virginia to a point on Lake Erie then called Presque Isle, the present site of Erie, Pennsylvania. He seems to have followed the course of the Potomac River, past the site of the present capital of the nation, Harper's Ferry, Va., and Cumberland, Md. He was accompanied by four comrades and an interpreter and guide, and was conducted by some Indian guides through a pass in the Alleghenies to Great Meadows, past Ft. Necessity and the field of Braddock's defeat, about which he was to know so much within the next few years; and from thence to the mouth of the Allegheny and Monongahela, the present site of Pittsburgh. His course from here lay almost due north, along the general course of the Allegheny. His first



GEORGE WASHINGTON
A large land owner in the Miami Valley

stop was at Logtown, and on the first of December he reached the French port of Venango, now Franklin, Pennsylvania, and thence fifty miles due north through the forest to Ft. LePœuf, on French Creek, and fourteen miles from Lake Erie and Presque Isle, his original destination.

St. Pierre, the French commander, came down to inspect this fort, and met Washington, and here the conference was held. Washington was received with great courtesy, but the French General said he was acting under military instructions, and would not discuss the rights of nations. He had been commanded by the Governor of Canada to eject every Englishman from the Ohio valley, and he meant to carry out his orders to the letter. There could be no mistake about the situation. There could be no reason for further conference. Washington and his party returned to Virginia after one of the most remarkable journeys through an almost unknown wilderness fraught with severe hardships in the history of that pioneer period, and was compelled to report to Governor Dinwiddie that if he wanted a title to the Ohio valley he must make conquest of it.

In March, 1754, Trent established an English fort at Pittsburgh. Within a month afterward the French captured it and named it Ft. DuQuesne. In a month afterward, Washington set out for Willis Creek, now Cumberland, Maryland, and from thence by his old route until his arrival south of Pittsburgh, where he erected Ft. Necessity and awaited reinforcements. He was attacked by the French General DeVilliers and his allies, to whom he surrendered on July 4th, 1754.

On the 8th day of July, 1755, Braddock

was defeated and killed in an attempt to capture Ft. DuQuesne. It was Washington who succeeded in conducting the demoralized army from the disastrous field, and it was these experiences that were ripening this great man for his future responsibilities. While the valley of the Ohio still remained, for the time being, in the undisputed possession of the French.

In September, 1755, the English obtained a complete but costly victory over the French on the southern shore of Lake George, near the site of Ft. William Henry. In the beginning of 1756, Washington, at the head of the Virginia Provincials, repelled the French and Indians in the valley of the Shenandoah, and thus, after two years of war, in which several severe battles had been fought, commencing with the first one at Piqua, Miami County, Ohio, England made an open declaration of war on May 17, 1756, which was followed by a similar declaration on the part of France. It is not our purpose to follow the history of the next seven years until the Treaty of Peace at Paris, which surrendered all the French possessions in North America eastward of the Mississippi, from its source to the River Iberville, and thence through Lake Maurepas and Pontchartraine to the Gulf of Mexico, to Great Britain. At the same time, Spain, with whom England had been at war, ceded east and west Florida to the English crown. At the same time France ceded to Spain all that vast territory west of the Mississippi known as the province of Louisiana. The title of the French in North America was utterly obliterated, and the title to all lands east of the Mississippi firmly established in the English crown.

CHAPTER VI.

THE TITLE OF THE UNITED STATES

IN ORDER that Henry VIII might make unto himself eight wives, he was compelled to break with Pope Clement VII and persuade parliament to declare him the head of the National Church. During the reign of Mary, his daughter by his first wife, 300 Protestants were burned. Another daughter by Anne Boleyn succeeded Mary, known as the Virgin Queen Elizabeth, who, to make her own birth legitimate, should have sympathized with the Protestants, but she filled the prisons of London with Protestant believers, and the public executioners were busy with rope and torch until her death in 1603. It was at this time that religious intolerance had reached its greatest height. At this period the Puritans had organized two churches in Noddingham County, in North England, on the river Trent. Their position became so intolerable that they stole out of England and organized at Leyden, in Holland, from which place they moved to Massachusetts, landing at Cape Cod, in the Mayflower, on November 11, 1620, where they formed a Christian Democracy as an escape from the severe discipline of fire and blood which they had undergone. From the wombs of these eighteen Pilgrim women of the Mayflower sprang a race of strong men and women, who numbered one-third of the population of the United States 200 years afterward, and who had especially settled in New York and Ohio.

King-ridden Germany copied in a great degree the customs of the grand monarch of France, whose nobles danced and drank in their palaces, while an endless line of

misery poured over the kingdom with eyes fixed on a far-off new western world.

When the titled loafer at the court of royalty needed more money to pay his gambling debts or gratify his licentious desires, he doubled his income by raising his rents on the lands to which he had title, but from which he was ever absent, and when the tenant could not pay he was evicted, and thus 30,000 Irishmen fled to America in one year.

The thumb screw of the Inquisition created an exodus of Catholics from the Old World, and Lord Baltimore built a free State on the shores of the Chesapeake founded on religious liberty.

The massacre of St. Bartholomew and the revocation of the edict of Nantes furnished another stream of 200,000 French Huguenots to swell in the battle hymn of a coming republic of freemen.

The English, Dutch, German and French colonists had fled from religious persecution in their native land and came to America for conscience sake. While faithful subjects of the English crown, they had an inherent desire for self-government within the limit of the laws and constitution of Great Britain, and had on several occasions endeavored to unite the colonies in a legislature for mutual benefit. Benjamin Franklin presided over the convention at Albany, New York, in 1748, which submitted a code for the colonies for adoption, but which was rejected by the parliament.

In 1749, Sir Robert Walpole reported a bill to overrule charters and to make all



LORD BALTIMORE

The thumb screw of the inquisition created an exodus of Catholics from the old world, and Lord Baltimore built up a new state on the shores of the Chesapeake, founded on religious freedom.

orders by the King, or under his authority, the highest law in America. The people of the colonies, especially Connecticut, Rhode Island and Massachusetts, protested against the bill as repugnant to the Constitution and laws of Great Britain; by their birthright, by the perils of their ancestors, by the sanctity of royal faith, by their affectionate duty and zeal, by their devotion of their lives and fortunes to their King and country, by their patents, charters and the tribute already levied upon them by the monopoly of their commerce, but these and all subsequent protests against unjust laws were unavailing. In the meantime, the printing press and free schools were preparing the minds of the people for independence. James and Benjamin Franklin had established the *New England Courant*, in Boston, in 1721. Nine colleges had been established in the colonies prior to the revolution, Harvard, William and Mary, Yale, Princeton, Kings (now called Columbia), Brown, Owens (afterwards called Rutgers), Dartmouth, and Hampton and Sydney. In 1764, the first medical college was founded in Philadelphia. Except on the Atlantic coast, where small sloops plied the Atlantic, intercourse between the colonies was largely cut off for the want of roads. They were mostly an agricultural people. In Virginia the planters devoted themselves almost exclusively to the cultivation of tobacco. In the Carolinas and Georgia, the rice crop was most important, after that, indigo, cotton and some silk.

When the Creator of the Universe formed the hills and mountains of our favored land, providing for the falling rain and melting snow, parting company on peak and summit, descending the slope in their onward course to the mighty ocean, the great lakes or the turbulent gulf, carrying with constant force, year by year, the alluvial riches and mineral fertility of the ages with which to build up our famed and productive plains, he made none of them greater for patriotism, pros-

perity and happiness than the valleys in this great union of States, and especially the Miami Valley in Miami County, Ohio. Very much of the progress in the Old World, prior to the landing of the Mayflower, for the betterment of mankind in governmental capacity, the best independence of thought, the highest spirit of freedom, the greatest religious tolerance, the maximum hatred for the so-called sacred rights of kings, the latest instinct to be freemen under a free government seems to have been most securely born in the heart and brain of our Puritan ancestors. All Europe seems to have been sifted through which to secure men and women of that particular fiber necessary to lay the foundations of this government on the shores of this continent in the wilderness of America, that could truly be called the model free government of the world. "God sifted the wheat of three kingdoms to find the wheat for this planting, and then sifted the wheat as the living seed of a nation." The history of Indian wars and privation, simple and hardy habits, deeds of daring in the chase and in defense of pioneer homes hewn from the primeval forests incident to the growth of the 13 original colonies, was well calculated to produce 3,000,000 of people, deeply imbued with the holy fire of liberty.

The pen of Thomas Jefferson, in writing the Declaration of Independence, but traced words and sentences on parchments that had already lived in the hearts of men and burned on the altars of liberty from the beginning of time.

Ridpath's History of the United States says on page 284: "These people, whose ancestors had been driven into exile by the exactions of European governments and the bigotry of ecclesiastical power, had become the rightful proprietors of the New World. They had fairly won it from savage man and savage nature. They had subdued it and built States within it. They owned it by the claims of actual possession; by toil and by trial; by the ordeal

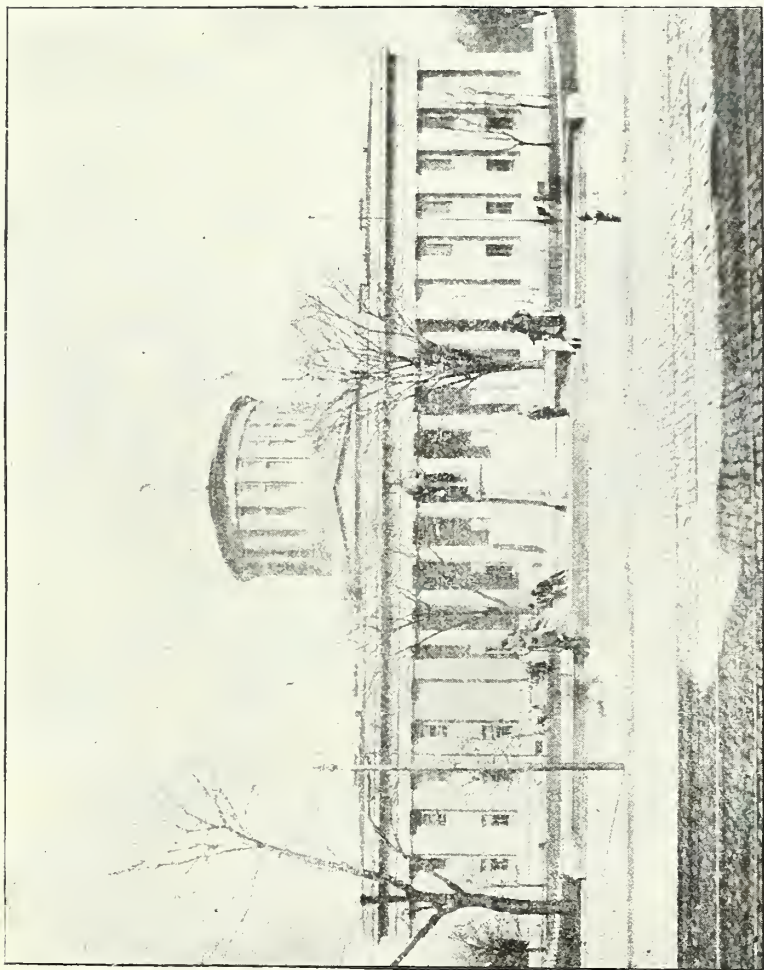
of suffering; by peril, privation and hardship; by the baptism of sorrow and the shedding of blood. No wonder that patriotism was the child of such travail and discipline! No wonder that the men who from mountain and sky and river, from orchard and valley and forest, from the memories of the past, the aspirations of the present and the hopes of the future, had drunk in the spirit of liberty until their souls were pervaded with her sublime essence were now ready where the iron heel of oppression was set upon their cherished rights, to draw the vindictive sword ever against the venerable monarchy of England."

Armed in the holy cause of liberty, these men, with the training only imparted by the Indian wars and the seven years' war between England and France, fought from Concord to Saratoga against the greatest military power at that time on the globe, and this last battle actually decided the independence of the thirteen colonies, although it was not until Yorktown that the flag of George Washington and Bettie Ross waved in triumph over the legions of Cornwallis, and the mistress of the sea had created her greatest rival for the commercial supremacy of the world.

On November 3, 1783, the final treaty of peace was signed at Paris, France, between England and the United States. A

full and complete recognition of the independence of the United States was agreed to and a surrender of all the territory east of the Mississippi, south of the great lakes, except Florida, was also made, and thus the basis was laid for a future Ohio and Miami County.

Our Ship of State was launched upon a sea covered by the powerful craft of great and mighty nations. Its course was directed by the eye of the aggregated soul of a people who had announced the thrilling doctrine that all men are created free and equal before the law. A new era in the government of mankind had dawned. The glorious sun of freedom began its illumination of the hemispheres; the cruel and heartless barriers of aristocracy, of king's craft and priest craft, and the infamous spirit of caste had received the first heavy blow of its final doom; the people became the sovereigns and source of political power; the down-trodden of the world looked longingly toward our shores; the woodman's axe resounded through the eastern slopes of the Alleghenies. Every harbor along our extended coast rapidly gathered its winged ships for a flight to the most distant parts of the earth. Under the benign influence of peace, American commerce rapidly developed; the mightier power to be, had begun a meteoric career that was to surpass the wealth, intelligence and splendor of any other time.



OHIO STATE CAPITOL

CHAPTER VII.

OHIO

THESE pages have already shown how the Ohio River was discovered by LaSalle in 1689 who explored the country north of it; how Celeron had planted the leaden plates at the mouth of the Muskingum, Scioto, and Great Miami Rivers; how the first English settlement west of the Alleghenies was established at Piqua, Miami County, in 1749, and its subsequent destruction.

The first fort built by the national government in Ohio was on the right bank of the Muskingum, at its confluence with the Ohio River, in the year 1785, and named Fort Harmar in honor of Josiah Harmar, the commander. Three years afterward, in 1788, Gen. Rufus Putnam brought from Massachusetts a colony of settlers, who erected a stockade fort and named it Marietta, also located at the mouth of the Muskingum, and two years afterward, the United States troops, who had built Fort Harmar, abandoned it and constructed Fort Washington near the mouth of the Great Miami River, on the site of Cincinnati, and this fort was also abandoned in 1795, after the treaty of Greenville.

In 1788, contemporaneous with the Massachusetts colony at Marietta, a colony was located on the Symmes purchase at the mouth of the Little Miami River, called Columbus. The Symmes purchase embraced 2,000,000 acres of land between the Big and Little Miami Rivers. All of the east half of Miami County was in the Symmes purchase, but none west of the river. Gen. William H. Harrison, afterward President of the United States, married a daughter of John Cleve Symmes,

who purchased this immense tract of fertile land. The town of Cleves, in Hamilton County, was named for Symmes.

The defeat of General Harmar in 1790, and of General St. Clair in 1791, in their respective campaigns against the Miami and other tribes of Indians in northwest Ohio, increased their confidence in their prowess to repel the steady westward movements of the white man, and thus developed a check to the settlement of the State that demanded prompt and effective measures to control and dissipate. It was during this year of 1794, during the second term of Washington, that the whiskey rebellion in western Pennsylvania was suppressed; Washington was embarrassed by dissensions in his cabinet. Hamilton's financial policies were attacked with severity by Jefferson, and Jefferson's conduct of foreign affairs was bitterly criticized by the vitriolic pen of Hamilton. Washington's influence, towering above all others, was barely able to prevent his cabinet from dissolution. Both of these great leaders had ardently advocated the reelection of Washington to the Presidency. After that event, however, Jefferson resigned his office of Secretary of Foreign Affairs in January, 1794, and retired to private life at Monticello. A year later, Hamilton also resigned. The redeeming feature of this period was the work of Mad Anthony Wayne in the Indian country of northwestern Ohio.

The author of this history is indebted to Washington Sterrett, his grandfather, a captain in Wayne's army, for a history of Wayne's march from Ft. Washington

(Cincinnati) to the Maumee with a force of 3,000 men, mostly recruited in Kentucky. In the late summer of 1793, he reached Greenville, where St. Clair had been defeated two years before, where he built a stockade and named it Ft. Recovery, and then pressed on to the junction of the Auglaize and Maumee, where he built Ft. Defiance, on the present site of the city of Defiance, the county seat of Defiance County. He descended the Maumee to the Rapids, near the battlefield of Harnar's defeat. On August 20, 1794, General Wayne advanced in the Indian wilderness with his whole army, according to a plan of march prepared by his young aide-de-camp, William Henry Harrison.

He had proceeded about five miles from the present site of Maumee, when a deadly fire from a concealed foe drove through the ranks of his army. In this volley of bullets, one crashed through the leg of grandfather Sterrett, but he managed to fall back with the army. The woods here were intensely thick and a tornado had prostrated many trees, making it quite difficult for mounted men to maneuver, while it formed an excellent cover for Little Turtle, the chief of the Miamis and the leader of the 2,000 Indians opposed to Wayne, who fell on them with a fearful onslaught that would brook no resistance. The Indians and Canadians fled to Ft. Miami below like a herd of frightened deer for cover. In one hour the victory was complete.

On the pathway of flight pursued by the Indians and Canadians, from the battle of Fallen Timbers to the British Fort Miami, were found forty dead, and by the side of each dead body a musket and bayonet from British armories. Wayne's loss in killed and wounded was 133. The author has stood beside the Turkey Rock, on this battlefield, of which the following account has been furnished him: "On the battleground at the foot of the Maumee Rapids is a limestone rock on which are numerous carvings of birds' feet. It is a stone upon which Me-sa-sa, or Turkey Foot, a re-

nowned chief, leaped when he saw his line of dusky warriors giving way, and by voice and gesture endeavored to make them stand firm. He fell pierced by a musket ball and died by the side of the rock. Members of his tribe carved turkey feet upon the stone in commemoration of him, and for many years men, women and children passing there would linger at the stone, place dried beef, parched corn and peas, or some cheap trinket upon it, and calling upon the name of Me-sa-sa, weep piteously. The carvings perpetuate the English name of the chief."

The victory of Mad Anthony Wayne at the battle of Fallen Timbers over the hostile Indians brought about the Treaty of Greenville in 1795, and it was at this time that the last claim to lands embraced in Miami County was relinquished by the Shawnee Indians, who then only claimed west of the Miami River, having ceded their claim to lands east of the river by the treaty of January 31, 1786, as shown in the General Statutes, page 26, Vol. VII.

As Washington issued his farewell address in the year 1796, a tide of emigration had set in from the States of New Jersey, Maryland, Virginia, Pennsylvania and Kentucky which rapidly populated the southern portion of the State.

In 1799, the first territorial legislature met in Chillicothe, and Ohio was admitted into the Union as a State on April 30, 1802. From 1800 to 1810 the seat of government was at Chillicothe, from 1810 to 1812 at Zanesville, from 1812 to 1816 at Chillicothe. In 1816, Columbus was made the permanent seat of State government.

The following counties were represented in the first territorial legislature:

Adams County: Joseph Darlington, Israel Donaldson, Thomas Vinker.

Belmont County: James Caldwell and Elijah Woods.

Clermont County: Philip Gatch and James Sargent.

Fairfield County: Henry Abrams and Emanuel Carpenter.

CHAPTER III.

OUR TREATMENT OF THE ABORIGINES

WE have found no estimate of the Indian population contained in the present limits of the United States at the time of the first settlements which exceeds 500,000 in number.

Admitting this to be a liberal estimate; on the basis of five to each family, there would have been 100,000 Indian families in the country.

On a basis of 3,000,000 square miles in the United States for the sake of round numbers and not far from the accurate, each Indian family would have been entitled to 30 square miles of territory.

Ohio, now supporting a population of nigh onto 5,000,000 souls would have been divided between about 1,000 Indian families.

The fertile county of Miami, with its great wealth and thriving industries, now supporting a population of 45,000 souls, would be owned by less than 15 Indian families.

The lands held by the Indians were not in fee simple, but in common, and much of it for hunting purposes was held in common by a number of tribes. The claim upon which the Indian based his title to the land was nearly always the claim of conquest. The claim of Europeans to these lands was based on the right of discovery which was then acknowledged by all civilized nations.

It has been doubtful whether the United States or any European power could, with perfect honesty, acquire the Indian lands either by the right of discovery of them or by treaty with the Indians. Bozmar, in his history of Maryland, page 569, says:

"First, it is not a clear proposition that savages can, for any consideration, enter into a contract obligatory on them. They stand by the laws of nations when trafficking with the civilized part of mankind, in the situation of infants, incapable of entering into contracts, especially for the sale of their country. Should this be denied, it may then be asserted that no monarch of a nation, (that is, no Sachem, Chief, or headman or assemblage of Sachems, etc.) has a power to transfer by sale, that is, the soil of the nation over which they rule."

John Quincy Adams, in his oration at the anniversary of the Sons of the Pilgrims December 22, 1802, advanced the following profound and unanswerable theory:

"There are moralists who question the right of Europeans to intrude upon the possessions of the Aborigines in any case and under any limitations whatsoever. But have they maturely considered the whole subject? The Indian right of possession itself stands, with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields, their constructed habitations, a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of the huntsman to a forest of a thousand miles over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created?

Shall the exuberant bosom of the common mother amply adequate to the nourishment of millions, be claimed exclusively by a few hundred of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of the world? Shall he forbid the wilderness to blossom like the rose? Shall he forbid the oaks of the forest to fall before the axe of industry and rise again transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howlings of the tiger and the wolf silence forever the voice of human gladness? Shall the fields and the valleys which a beneficent God framed to teem with the life of innumerable multitudes be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hand of nature as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors a thousand leagues of coast, and a boundless ocean been spread in the front of this land and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists! Heaven has not been thus inconsistent in the works of its hands. Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation."

In the case of Johnson and Graham's lessees vs. McIntosh, 8 Wheaton, page 543, et al, before the Supreme Court of the United States, this whole question is fully and decisively covered by our highest judicial tribunal. We publish it here because an important principle is involved which it is worth the while of every one to know but for the added reason that it corroborates the limits of the early grants by King James I in 1606 to the London and Plymouth companies, about the territorial description of which Bancroft, Ridpath and Lodge in their histories, we have

shown, have fallen into such grave errors.

On the establishment of these relations, the right of the original inhabitants were, in no instance, entirely disregarded, but were necessarily, to a considerable extent, impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as a just claim to retain possession of it (or rather so much of it as was necessary for their use) and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will to whomsoever they pleased, was denied by the original fundamental principle that discovery gave exclusive title to those who made it.

The charter granted to Sir Humphrey Gilbert in 1578 authorizes him to discover and take possession of such remote and barbarous lands as were not actually possessed by any Christian prince or people. This charter was afterward renewed to Sir Walter Raleigh in nearly the same terms.

By the charter of 1606, under which the first permanent English settlement on this continent was made, James I granted to Sir Thomas Gates and others those territories in America lying on the seacoast between the 34th and 45th degrees of north latitude, and which either belonged to that monarch, or were not then possessed by any other Christian prince or people. The grantees were divided into two companies at their own request. The first, or Southern Colony, was directed to settle between the 34th and 41st degrees of north latitude, and the second, or Northern Colony, between the 38th and 45th degrees.

In 1609, after some expensive and not very successful attempts at settlement had been made, a new and more enlarged charter was given by the crown to the first colony, in which the King granted to the "Treasurer and company of adventurers of the City of London for the first

colony in Virginia," in absolute property, the lands extending along the coast 400 miles, and into the land throughout from sea to sea. This charter, which is a part of the special verdict in this cause, was annulled, so far as respected the rights of the Company, by the judgment of the Court of Kings Bench on a writ of quo warranto, but the whole effect allowed to this judgment was to revest in the crown the power of government and the title to the lands within its limits.

At the solicitation of those who held under the grant to the second or Northern Colony, a new and more enlarged charter was granted to the Duke of Lennox and others in 1620, who were denominated the Plymouth Company, conveying to them in absolute property all the lands between the 40th and 48th degrees of north latitude.

Under this patent, New England has been in a great measure settled. The Company conveyed to Henry Roswell and others in 1627 that territory which is now Massachusetts; and in 1628, a charter of incorporation, comprehending the powers of government, was granted to the purchasers.

Great part of New England was granted by this company, which at length divided their remaining lands among themselves, and, in 1635, surrendered their charter to the crown. A patent was granted to Georges for Maine, which was allotted to him in the division of property.

All the grants made by the Plymouth Company so far as we can learn, have been respected. In pursuance of the same principle, the King in 1664 granted to the Duke of New York the country of New England as far south as the Delaware Bay. His royal highness transferred New Jersey to Lord Berkley and Sir George Cataret.

In 1663, the crown granted to Lord Clarendon and others, the country lying between the 36th degree of north latitude and the river, St. Mathes, and in 1666, the proprietors obtained from the crown a

new charter, granting to them that province in the King's dominions in North America which lies from 36 degrees 30 minutes north latitude to the 29th degree and from the Atlantic ocean to the South sea.

Thus has our whole country been granted by the crown while in the occupation of the Indians. These grants purport to convey the soil as well as the right of dominion to the grantees. In those governments which were denominated royal, where the right to the soil was not vested in individuals, but remained in the crown, or was vested in the Colonial government, the king claimed and exercised the right of granting lands and dismembering the government at his will. The grants made out of the two original colonies, after the resumption of their charters by the crown, are examples of this. The governments of New England, New York, New Jersey, Pennsylvania, Maryland, and a part of Carolina were thus created. In all of them, the soil, at the time the grants were made, was occupied by the Indians, yet almost every title within those governments is dependent on these grants. In some instances the soil was conveyed by the crown unaccompanied by the powers of government as in the case of the northern neck of Virginia. It has never been objected to this, or to any other similar grant, that the title as well as possession was in the Indians when it was made, and that it passed nothing on that account.

These various patents cannot be considered as nullities; nor can they be limited to a mere grant of the powers of government; a charter intended to convey political power only, would never contain words expressly granting the land, the soil and the waters. Some of them purport to convey the soil alone; and in those cases in which the powers of government, as well as the soil, are conveyed to individuals, the crown has always acknowledged itself to be bound by the grant. Though the power to dismember regal governments was

asserted and exercised, the power to dismember proprietary governments was not claimed; and in some instances, even after the powers of government were revested in the crown, the title to the proprietors of the soil was respected.

Charles II was extremely anxious to acquire the property of Maine, but the grantees sold it to Massachusetts, and he did not venture to contest the right of that colony to the soil. The Carolinas were originally proprietary governments. In 1721 a revolution was effected by the people, who shook off their obedience to the proprietors, and declared their dependence immediately on the crown. The King, however, purchased the title of those who were disposed to sell. One of them, Lord Cartaret, surrendered his interest in the government, but retained his title to the soil. That title was respected to the revolution, when it was forfeited by the laws of war.

Further proof of the extent to which this principle has been recognized will be found in the history of the wars, negotiations and treaties which the different nations, claiming territory in America, have carried on and held with each other. Thus all the nations of Europe, who have acquired territory on this continent, and have recognized in others the exclusive right of the discoverer to appropriate the lands occupied by the Indians. Have the American States rejected or adopted the principle?

By the treaty which concluded the war of our revolution, Great Britain relinquished all claim, not only to the government, but to the "proprietary and territorial rights of the United States," whose boundaries were fixed in the second article. By this treaty the powers of government, and the right to the soil, which had previously been, in Great Britain, passed definitely to these States. We had before taken possession of them, by declaring independence; but neither the declaration of independence, nor the treaty confirming it,

more than that which we before possessed (or to which Great Britain was before entitled). It has never been doubted that either the United States, or the several States, had a clear title to all the lands within the boundary lines described in the treaty, subject only to the Indian right of occupancy, and that the exclusive power to extinguish that right was vested in that government which might constitutionally exercise it.

The United States then have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold, and assert in themselves, the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest; and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise.

The power now possessed by the government of the United States to grant lands resided, while we were colonies, in the crown or its grantees. The validity of the title given by either has never been questioned in our courts. It has been exercised uniformly over territory in possession of the Indians. The existence of this power must negative the existence of any right which may conflict with and control it. An absolute title to lands cannot exist, at the same time, in different persons, or in different governments. An absolute must be an exclusive title, or at least a title which excludes all others not compatible with it. All of our institutions recognize the absolute title of the crown, subject only to the Indian right of occupancy, and recognizing the absolute right of the crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians.

We will not enter into the controversy, whether agriculturists, merchants, and manufacturers, have a right, on abstract principles, to expel hunters from the terri-

tory they possess, or to contract their limits. Conquest gives a title which the courts of the conqueror cannot deny, whatever the private and speculative opinions of individuals may be, respecting the original justice of the claim which has been successfully asserted. The British government, which was then our government, and whose rights have passed to the United States, asserted a title to all the lands occupied by Indians within the chartered limits of the British colonies. It asserted also a limited sovereignty over them and the exclusive right of extinguishing the title which occupancy gave to them. These claims have been maintained and established as far West as the river Mississippi by the sword. The title to a vast portion of the land, we now hold, originates in them. It is not for the courts of this country to question the validity of this title or to sustain one which is incompatible with it.

Although we do not mean to engage in the defense of those principles which Europeans have applied to the Indian title, they may, we think, find some excuse, if not justification, in the character and the habits whose rights have been wrested from them.

The title by conquest is acquired and maintained by force. The conqueror prescribed its limits. Humanity, however, acting on public opinion, has established, as a general rule, that the conquered shall not be wantonly oppressed, and that their condition shall remain as eligible, as compatible with the objects of the conquest. Most usually they are incorporated with the victorious nation and become subjects or citizens of the government with which they are connected. The new and old members of the society mingle with each other. The distinction between them is gradually lost, and they make one people. When this incorporation is practicable, humanity demands, and a wise policy requires, that the rights of the conquered to property shall remain unimpaired; that

the new subjects should be governed as equitably as the old, and that confidence in their security shall gradually banish the painful sense of being separated from their ancient connections, and united by force to strangers.

When the conquest is complete and the conquered inhabitants can be blended with the conquerors, or safely governed as a distinct people, public opinion, which even the conqueror cannot disregard, imposes these restraints upon him; and he cannot neglect them without injury to his fame and hazard to his power.

But the tribes of Indians inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country was to leave the country a wilderness; to govern them as a distinct people was impossible, because they were as brave and as high-spirited as they were fierce, and were ready to repel by arms every attempt on their independence.

What was the inevitable consequence of this state of things? The Europeans were under the necessity either of abandoning the country, and relinquishing their pompous claims to it, or enforcing these claims by the sword and by the adoption of principles adapted to the condition of a people with whom it was impossible to mix, and who could not be governed as a distinct society, or of remaining in their neighborhood and exposing themselves and their families to the perpetual hazard of being massacred.

Frequent and bloody wars, in which the whites were not always the aggressors, unavoidably ensued. European policy, numbers and skill prevailed. As the white population advanced, that of the Indian necessarily receded. The country in the immediate neighborhood of agriculturists became unfit for them. The game fled into thicker and more unbroken forests, and the Indians followed. The soil, to which the crown originally claimed title, being

no longer occupied by its ancient inhabitants, was parcelled out according to the will of the sovereign power and taken possession of by those claimed immediately from the crown or immediately from its grantees or deputies. The law, which regulates and ought to regulate in general, between the conqueror and the conquered, was incapable of application to a people under such circumstances. The resort to some new and different rule, better adapted to the actual state of things, was unavoidable. Every rule which can be suggested will be found to be attended with great difficulty.

However extravagant the pretention of converting the discovery of an inhabited country into conquest may appear, if the principle has been asserted in the first instance, and afterward sustained; if a country has been acquired and held under it; if the property of the great mass of the community originates in it, it becomes the law of the land and cannot be questioned. So, too, with respect to the concomitant principle, that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in place, in the possession of their lands; but to be deemed incapable of transferring the absolute title to others. However, this restriction may be opposed to natural right, and to the usages of civilized nations; yet, if it be indispensable to that system under which the country has been settled, and be adapted to the actual condition of the two people, it may, perhaps, be supported by reason, and certainly cannot be objected to by courts of justice.

It has never been contended that the Indian title amounted to nothing. Their right of possession has never been questioned. The claim of government extends to complete ultimate title, charged with this right of possession, and to the exclusive power of acquiring that right. The object of the crown was to settle the sea coast of America; and when a portion of it was settled, without violating the rights

of others, by persons professing their loyalty, and soliciting the royal sanction of an act, the consequences of which were ascertained to be beneficial, it would have been as unwise as ungracious to expel them from their habitations because they had obtained the Indian title, otherwise than through the agency of government. The very grant of a charter is an assertion of the title of the crown, and its words convey the same idea. The country granted is said to be "Our island of Rhode Island"; and the charter contains an actual grant of the soil, as well as the powers of government.

Six months after the cessation of hostilities between Great Britain and the United States, declared at Versailles, France, the Continental Congress, on September 22, 1783, issued the following proclamation:

Whereas by the ninth of the Articles of Confederation, it is among other things declared, that the United States, in Congress assembled, have the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated. And whereas it is essential to the welfare of the United States, as well as necessary for the maintenance of harmony and friendship with the Indians, not members of any of the States, that all cause or quarrel or complaint between them and the United States, or any of them, should be removed and prevented; therefore, the United States, in Congress assembled, have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and direction of the United States, in Congress assembled.

Thus it will be seen that the Indian policy of the United States was intended to be the policy of a just and civilized nation. Ten years afterward, in 1793, "an act to regulate trade and intercourse with the Indian tribes" was passed by the Congress. This act provided for the acquirement of Indian lands by treaty, the compensation to be made for such lands, and declared invalid all title to Indian lands acquired in any other manner than by the provisions of the act.

The rules adopted by the English, French, Spanish and Dutch colonists was to acquire lands by purchase of or treaty with the Indians. This was also the policy of the London and Plymouth Company of 1606, as well as the policy of Virginia and her sister colonies which formed the Union.

It has been the policy of each State of the Union, and while it is clear that all the acts of the whites toward the Indians were not based on the highest plane of honor, it is certain that the policy of the United States and the separate State policies toward the Aborigines were based on a high and enlightened policy of justice.

The first treaty made between the United States and the Indians after the Revolution is fully set forth in the General Statutes of the United States, Vol. 7, page 15, October 22, 1784. It was conducted at Fort Stanwix, on the site of Rome, New York. It provided "that the six nations shall and do yield to the United States all claims to the country west of said boundary." The western boundary referred to comprised all land west of the western boundary of Pennsylvania and north of the Ohio River, and therefore vested the United States with whatever right the six nations may have acquired, by conquest or occupancy, to the lands of the State of Ohio and Miami County.

We do not consider that a title of much consequence was acquired by this treaty; but it seems to have been on line with a direct policy upon the part of the govern-

ment to extinguish all Indian claims of the country north of the Ohio, in order that it might be peaceably settled.

The government, in pursuance of their intention to provide a peaceable settlement of Ohio, entered into a treaty with the Wyandottes, Delawares, Chippewas and Ottawas. On January 21, 1785, these four tribes entered into a treaty with the United States, which treaty was conducted by George Rogers Clarke at Fort McIntosh, which had been built in 1778-79 on the site of Beaver, Pennsylvania. The General Statutes, Vol. 7, page 16, fully sets forth this treaty. In it the four tribes ceded to the United States all their claims to land east of a line drawn north and south from Cleveland and another one practically through the middle of the State from east to west. The design was to have the various tribes who claimed, remotely or directly, to relinquish such claims and settle in the northwest portion of the present limits of the State of Ohio, and thus leave the eastern and southern portions of the State open to the peaceable settlements of the whites who were anxious to obtain lands which had been described by Washington and others as being so rich in soil and forest.

Although these first two Indian treaties between the Indians and the United States had acquired any right that the six nations, or the Wyandottes, Delawares, Chippewas and Ottawas had to all lands in Ohio except the northwest part, which was reserved by the Fort McIntosh treaty, it does not follow the government would not have been compelled to propitiate the Mingo, Shawnees, Miamis and others before peaceable possession could have been obtained to the land sought. The Fort McIntosh treaty was never attempted to be carried out on account of the Indian war which broke out immediately afterward.

The question of titles and boundaries being a most important feature of history, we stop here to remark that the Indian titles acquired by the government by

treaty seems to have nothing positive or definite in character about them, in most cases, because the lands oftentimes were claimed by several tribes. A title to land ceded by the six nations would be good, for the reason that the boundaries of the territory of each nation had been described and agreed upon by the Indians themselves.

The third treaty made by the United States with the Indians which affected lands in the State of Ohio and Miami County is recorded in the General Statutes, Vol. 7, page 26, and is dated January 31, 1786. This treaty, so far as Miami County is concerned, gave all the lands west of the Miami River to the Shawnee Indians, and all east of the river to the government. In this treaty, Brown, Springcreek, Staunton, Lost Creek, Elizabeth and Bethel were in government territory. Under this treaty, Washington, Newberry, Newton, Concord, Monroe and Union were in the Indian territory. It will be here noted that the government at this date, or at any other date, does not recognize, by treaty or cession, the right of the Miami Indians to the lands of the Miami Valley or to Miami County.

The fourth treaty made by the government with the Indians which affected the right to Ohio and Miami County lands is set forth in the United States Statutes at large in Vol. 7, page 28, and was made at Fort Harmer, on the site of Marietta, Ohio, on January 9, 1789. This treaty reaffirmed the boundaries and reserves under the treaty at Fort McIntosh, January 21, 1784. The Pottawattomies and Sanks signed this treaty, with the four others in the former treaty. This treaty was never carried into effect on account of continued war upon the part of the Indians.

The fifth treaty affecting Ohio and Miami County territory was made at Greenville, Ohio, on April 3, 1795, and is set forth in the General Statutes, Vol. 7, page 49.

We copy the following from Royce's Indian Land Cessions in the United States,

and is the first treaty signed between the United States and the Miami tribe of Indians. At this time the Miamis were acknowledged by the United States as the owners by long years of occupancy of most of the Maumee and Wabash country, and in a series of treaties hereafter to be mentioned, ceded these Maumee and Wabash lands to the United States, and finally ceded all their rights, excepting a few sections near the city of Wabash, Indiana, where a few of the descendants of the Miamis yet live.

Article 3 defines the general boundary line between the lands of the United States and the lands of said tribes as follows: Beginning at the mouth of Cuyahoga River and run thence up the same to the portage between that and the Tuscarawas branch to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the Great Miami River running into the Ohio, at or near which fork stood Loromie's store, and where commences the portage between the Miami, of the Ohio and St. Mary's River, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucky or Cuttawba River; and the said Indian tribes cede and relinquish forever all claim to lands lying eastwardly and southwardly of said general boundary line.

The tract herein ceded comprised the eastern and southern portions of Ohio, embracing nearly two-thirds of the State, and a triangular piece in southeastern Indiana.

The Indians also ceded to the United States a number of small tracts of land within the general limits of the territory reserved by the former, as follows:

1. Six miles square at or near Loromie's store.
2. Two miles square at the head of navigable water on St. Mary's River, near Girty's town.

3. Six miles square at the head of navigable water of Au-Glaize River.
 4. Six miles square at the confluence of Au-Glaize and Miami Rivers, where Fort Defiance stands.
The above surveyed in 1805.
 5. Six miles square at or near the confluence of St. Mary's and St. Joseph's Rivers, where Fort Wayne stands, or near it.
The above surveyed in June, 1803.
 6. Two miles square on the Wabash, at the end of the portage from the Miami of the lake, about eight miles westward from Fort Wayne.
The above surveyed in June, 1803.
 7. Six miles square at the Ouatanon, or old Weea towns on the Wabash.
This tract was never surveyed, and by treaty of September 30, 1809, with the Delawares and others, it was retroceded by the United States to the Indians. Its boundaries are approximately shown on the map by scarlet lines.
 8. Twelve miles square at the British fort on the Miami of the lake, at the foot of the rapids.
The above surveyed in December, 1805, by virtue of act of Congress of March 3, 1805; subdivided and sold in accordance with act of Congress of April 27, 1816.
 9. Six miles square at the mouth of the Miami of the lake, where it empties into Lake Erie.
The above surveyed in 1806 by Ewing, under act of Congress of March 3, 1805.
 10. Six miles square on Sandusky Lake, where a fort formerly stood.
Found to be within limits of Connecticut western reserve, and therefore never separately surveyed. The location of this tract is approximately shown on the map by dotted black lines.
 11. Two miles square at the lower rapids of Sandusky River.
- The above surveyed by Ewing in 1807 under act of Congress of March 3, 1805; subdivided into town lots and sold under act of Congress approved April 27, 1816.
12. The post of Detroit and all land to the northwest and south of it to which the Indian title had been extinguished by gifts or grants to the French or English governments, and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine on the south, Lake St. Clair on the north, and a line the general course whereof shall be six miles distant from the west end of Lake Erie and Detroit River.
The necessity for the establishment of the boundaries of this tract was superseded by the conclusion of the treaty of November 17, 1807, whereby the Indians ceded to the United States a large extent of territory surrounding and including within its general limits the tract described. The approximate limits of this tract are, however, shown on the map by a dotted black line.
 13. The post of Michillimackinac, and all the land on the island on which the post stands, and the mainland adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments.
This consists of two separate tracts, one being the island and the other the mainland on the south.
Also a piece of land on the main to the north of the island, to measure six miles on Lake Huron or the straight between Lakes Huron and Michigan, and to extend three miles back from the water of the lake or straight.
Also De Bois Blanc Island, being an extra and voluntary gift of the Chippewa nation.

14. Six miles square at mouth of Chicago River, emptying into the southwest end of Lake Michigan, where a fort formerly stood.
The above surveyed in 1827.
 15. Twelve miles square at or near the mouth of Illinois River.
Any necessity for the survey of this tract was superceded by the Kaskaskia cession of August 13, 1803, and Sauk and Fox cession of November 3, 1804. The boundaries are approximately shown by dotted black lines.
 16. Six miles square at the old Piorias fort and village, near south end of Illinois Lake, on Illinois River.
Any necessity for the survey of this tract was superceded by the Kaskaskia cession of August 13, 1803, and Sauk and Fox cession of November 3, 1804. The boundaries are approximately shown by dotted black lines.
 17. The Indians also grant the people of the United States a free passage by water and land through their country along the chain of posts from Loromie's store via the St. Mary's to Fort Wayne and down the Miami to Lake Erie; also from Loromie's store down the Au-Glaize to Fort Defiance; also from Loromie's store to Sandusky River and down the same to Sandusky Bay; also from Sandusky to the foot of Miami rapids and thence to Detroit; also from mouth of Chicago to Illinois River, and down same to the Mississippi; also from Fort Wayne to the Wabash, and down Wabash to the Ohio.
 18. The United States relinquish their claim to all other Indian lands north of the river Ohio, east of the Mississippi, and west and south of the Great Lakes and the waters uniting them, according to the boundary agreed on in the treaty of 1783 between United States and Great Britain except the tract of 150,000 acres near the rapids of Ohio, assigned to General Clarke for the use of himself and his warriors.
- In July, 1779, two Piankishaw chiefs deeded to George Rogers Clarke a tract $2\frac{1}{2}$ leagues square on the north side of Ohio River, opposite the falls. Virginia never confirmed this grant. January 2, 1781, Virginia ceded to Congress conditionally all right to territory northwest of the Ohio River. September 13, 1783, Congress accepted the cession. December 20, 1783, Virginia authorized here delegates in Congress to convey the same to the United States. The deed was executed March 1, 1784, and contained a condition that not exceeding 150,000 acres promised by Virginia should be granted to Gen. George Rogers Clarke and the officers and soldiers of his regiment, to be laid off in one tract in such place on the northwest side of the Ohio as a majority of the officers shall choose, and to be divided among the officers and soldiers in due proportion, according to the laws of Virginia. The tract, when first laid off, was called the Illinois grant, and afterward Clark's grant.
19. The United States also reserve and except the post of Vincennes, on the river Wabash, and the lands adjacent, of which the Indian title had previously been extinguished.
There having arisen a dispute as to the proper boundaries of this tract, they were specifically defined by treaty of June 7, 1803.
 20. Also the lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished by grants to the French and English governments.

This was an indefinite reservation, and was never more specifically defined.

21. Also the post of Fort Massac, toward the mouth of the Ohio.

This post was at the mouth of Massac Creek, a short distance east of the present site of Metropolis City, Illinois.

Since we have clearly established the fact that all of the grants made by the English crown to lands west of the head waters of Atlantic coast streams, under international law, were null and void, on account of the right of discovery, it remains for us to now show whether any of the lands west of those head waters, especially the lands of Ohio, had been acquired by treaties with the Indians.

On Friday, June 22, 1744, in the Court House at Lancaster, Pennsylvania, a treaty between the colonies of Maryland, Virginia and Pennsylvania, represented by commissioners from these colonies and deputies from the Onondagoes, Senecas, Cayagoes, Oneidas and Tuscarawas Indians. To the student who may desire detailed information in regard to this treaty, we refer to page 698, Vol 4, of the Colonial Records of Pennsylvania, to be found in the Ohio State Library.

While this treaty is referred to by nearly all historians of the United States as the one which gave the English a title to western lands, none of them quote it to any extent or cite where a printed copy of it may be found.

After the preliminary meeting was held, in order that the Indians might rest after their long journey, the conference was adjourned until the 25th, and the conference continued thereafter, from day to day, until July 4th.

On the last day's session, Governor Thomas, of Pennsylvania, "then asked them what the reason was that more of the Shawanese from the town on the Ohio were not at the treaty? But seeing it would require a council in form, and perhaps

another day to give an answer, he desired they would give answer to Conrad Weiser, upon the road on their return home, for he was set out for Philadelphia on the following morning."

Governor Thomas reported the result of the treaty to the Council of Pennsylvania, in session at Philadelphia on July 31, 1744, and among other things said:

"I have something now more agreeable to lay before you, the treaty of the six nations of Indians at Lancaster. You will see that they have made a solemn renewal of their friendship with us, and have given me the strongest assurances that they will not suffer the French or any Indians in alliance with them to march through their country to disturb any of our settlements, and that they will give us notice of any designs that may be formed against us by the enemy as soon as they may come to the knowledge of them. They have likewise promised to send down some of the Delaware chiefs with the two Indians present at the murder of Armstrong and his two men, for their examination. Their differences with Virginia and Maryland are happily accommodated, which must be a very sensible pleasure to every man in the province, considering that otherwise we should have been unavoidably involved in the quarrel."

This famous treaty, in session for nine days, did not settle the title to a foot of western land. The paramount object of the treaty upon the part of the English was to bind the six nations to their cause in the oncoming French war. The main object of the six nations was wampum, and then some more wampum, goods and gold for disputed lands in Maryland and Virginia, to which claim the English had theretofore for many years paid not the slightest attention. The Indians were served with "wine, punch, pipes and tobacco on the 22nd." The Governor gave them a belt of wampum on the 25th, and the Indians gave the Jo-hah. In the afternoon session of the same date he gave them

some more wampum, and the Indians gave some more jo-hah. On the same afternoon, on a change of subject, there was some more wampum and jo-hah. The record shows that the English gave them wampum twenty-seven times in the first eight days of the session, and to make good measure, gave them wampum seven times on the last day of the session, July 4th, and the Indians in return gave the English the jo-hah every time as compensation. The wampum had some intrinsic value, and the jo-hah was a unanimous and formal Indian grunt. It seems that the program was somewhat varied at the July 2nd session, when the Indians and commissioners gave "three shouts together." The author is irresistably led to the conclusion that wampum was running low and the English were exercising more business astuteness in the trade, giving only a jo-hah for a jo-hah.

The record does not make it clear whether these "three shouts together" were given before or after the following interesting and statesmanlike speech upon the part of Chief Canassatego. "You tell us you beat the French; if so, you must have taken a great deal of rum from them, and can better spare us some of that liquor to make us rejoice with you in the victory." The record, however, is clear that the "commission ordered a dram of rum to be given to each in a small glass, calling it the *French glass*."

The Virginia and Maryland commissioner each gave the Indians one hundred pounds to settle the land dispute. The Pennsylvania commissioners sold to the Indians goods, including jewsharps, in the amount of two hundred and twenty pounds and fifteen shillings. I have formed the opinion that the Pennsylvania commissioners got the two hundred pounds in gold paid by Virginia and Maryland, and still continued the Indians in debt to them in the balance of twenty pounds and fifteen shillings, but we do not vouch for it as being historically correct. Certain it is,

though, that Wm. Penn and his followers were good traders, with both Indian and white.

At this treaty the six nations claimed that they had conquered all the tribes as far west as the Mississippi River, and as far south as the Carolinas, and that no title to land west of the Alleghenies was good except by their consent. In view of this, the following further extract from the report of Governor Thomas to the Pennsylvania Council, in relation to this treaty, has peculiar significance in reference to any title the six nations might have given or could give to such lands.

"Observing that there was but one of the Shawanese from their principal town on the Ohio at the treaty, I set afoot inquiry into the reason of it, and I have been since informed that the six nations and the Shawanese are far from being on good terms, and that the latter have been endeavoring to draw the Delawares from the Shamokin to Ohio, from whence the six nations entertain a jealousy of some ill designs; and it is whispered amongst them, that should they be obliged to take part in the war between us and the French, they will have the Shawanese and perhaps the Delawares to oppose them."

Twenty-four years after the Lancaster treaty, just disposed of, and eight years before the Declaration of Independence, the last important treaty made under British rule affecting land titles in the United States was consummated at Ft. Stanwix, on the present site of Rome, in the State of New York, in 1768. The treaty itself was signed by the whites and the six nations only, although there were representatives present from both the Shawanese and Delawares. In the fear of having consumed too much space, speaking of the Lancaster treaty, with the wampum and jo-hah, we proceed at once to quote the boundaries of western lands deeded by the six nations in this treaty.

Which bounds, now agreed to, we begin on the Ohio, at the mouth of the Cherokee

River, which is our just right; and from thence we go up, on the south side of the Ohio, to Kittanning, above Fort Pitt; from thence a direct line to the nearest fork of the west branch of the Susquehanna; thence through the Allegheny Mountains along the south side of the said west branch till we come to the mouth of the creek called Tiagdaghton; thence across the west branch and along the east side of that creek and along the ridge of Burnetts Hills to a creek called Amadie; thence down the same to the east branch of the Susquehanna and across the same, and up to the east side of that river to Owegy; from thence eastward to Delaware River, and up that river to opposite where Tianaderrah falls into the Susquehanna; thence to Tianaderrah, and up the west side thereof, and its west branch, to the head thereof; thence by a straight line to the mouth of Canada Creek, where it empties itself into Wood Creek, at the end of the long carrying place beyond Fort Stanwix.

The starting point of this title is the mouth of the Ohio and Cherokee Rivers, which latter is now known as the Tennessee River. It passes along the south side of the Ohio River, but gives no title whatever to any lands in the State of Ohio. The title for whatever it was worth practically gave to Great Britain all land in Pennsylvania south of the center and east of a line drawn north and south through Williamsport, in that State, and all of New York east of a line drawn north and south from Oswego, New York. It reserved for the Indians all of the southwestern portion of New York and northwestern portion of Pennsylvania and north of the Ohio River and westward. Every history of the United States refers in some way to this treaty of 1768, but in no instance cite to where a printed copy of it may be found. The quotations here made from this treaty were copied from Butter's History of Kentucky, published in 1834, and kept for a reference book in the Ohio State Library.

Mr. Mann Butter, the author, procured his copy from the Congressional Library, through the influence of Hon. Richard M. Johnson, who is supposed to have killed Tecumseh at the Battle of Thames. Butter expressed the belief that there was, prior to his writing, no copy extant outside of the one from which Johnson procured him the copy.

In 1774, the Lord Dunmore war was the result. The bloodiest battle of frontier times was fought near the mouth of the Kanawha River between Chief Cornstalk, of the Shawanese, and Colonel Lewis, with Virginia frontiersmen, with about eleven hundred men on each side.

Bancroft, on page 171, Vol. 7, speaking of the treaty which followed this battle, "The Shawanese agreed to deliver up their prisoners without reserve; to restore all horses and other property, which they had carried off; to hunt no more on the Kentucky side of the Ohio; to molest no boats passing on the river; to regulate their trade by the King's instructions, and to deliver up hostages," and yet he makes no citation of authority.

On page 286, Vol. 1, in Roosevelt's *Winning of the West*, he says, "They agreed to give up all the white prisoners and stolen horses in their possession and to surrender all claims to lands south of the Ohio, and they gave hostages as an earnest of good faith."

Roosevelt, in writing about the tribes engaged in the battle of Kanawa, "The Shawnees and Mingoes were soon joined by many of the Delawares and outlying Iroquois, as well as Wyandottes and large bands of ardent young warriors from among the Algonquin tribes along the Miami and Wabash and the lakes," and cites the manuscripts of Jefferson and a letter of St. Clair in Vol. IV of the *American Archives* as his authority; but in no work is a copy of the treaty itself quoted. The conclusion is inevitable that the paper was lost or carried away to England by Lord Dunmore, more than a year after-

ward, when he was driven from the colonies by the spirit of the war for independence.

It will be noted that Bancroft says, "To hunt no more on the Kentucky side of the Ohio," and Roosevelt says, "And to surrender all claims to lands south of the Ohio." It is not stated anywhere, however, that this treaty affected the right to any lands in the present State of Ohio.

It may be that some of the young warriors from the Miami Indians were in the great battle, but it is certain that if there, they returned to their homes immediately after the battle and had no representative at the treaty, which was conducted solely by Cornstalk, of the Shawanese; even Logan, the Mingo chief, refusing to take part in the conference, but instead sent his famous speech; and we now come to the absolute conclusion that outside of this Lord Dunmore treaty, on the Picaway Plains, *no treaty was ever directly made with the Northwestern Indians prior to the revolution, and none whatever with the Miami Indians prior to that time.* We

have heretofore, in this chapter, with a purpose now evident, referred to the five treaties between the United States and the Indians up to and including the one at Greenville on April 3, 1795, which could in any way affect the title to the lands of Miami County. The fact is absolutely proven that the Miami Indians signed their first treaty with the whites at the treaty of Greenville, and that so far as his ownership of the lands of Miami County is concerned, the government had in no way recognized their right to a foot of land in Miami County, but on the contrary had consummated a solemn treaty with the Shawnee Indians, at the mouth of the Great Miami, on January 31, 1786, in which she ceded the west half of Miami County to the Shawnees, and the Shawnees ceded the east half to the government without any objection having been brought up by the Miamis, who then were acknowledged to be and to have been the owners by occupancy of the lands on the Maumee, which lands the government afterward accepted a cession of from the Miamis.

CHAPTER IV.

THE FRENCH TITLE

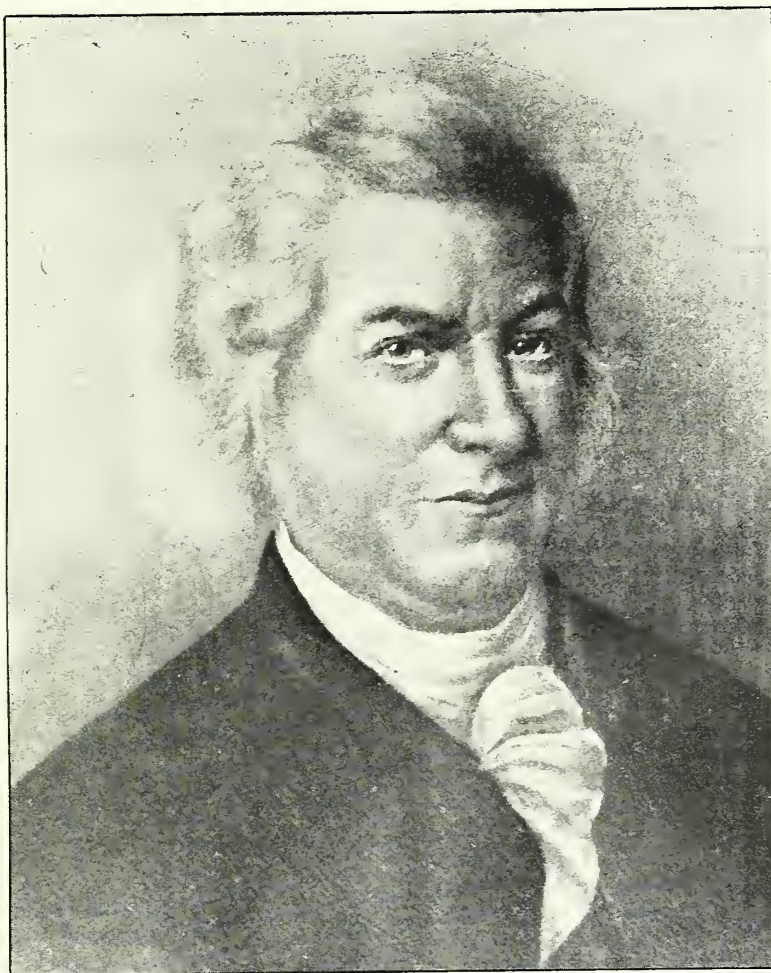
IN the Spring of 1534, Jacques Cartier, in command of two vessels, discovered New Foundland, sailed into the Straits of Bell Isle, entered the St. Lawrence River, and thus became the discoverer of Canada. The French established forts and missions along the Atlantic coast from Quebec to Florida, notwithstanding the English claim to the country under the right of discovery by the Cabots in 1497, or thirty-seven years prior to Cartier's discovery of the great river. The right to disputed territory in North America led to several wars between the English and the French, the history of which cannot be chronicled here. In 1629 the English captured Quebec, but it was again restored to the French in 1632 by the treaty of St. Germain-en-Laye. In corroboration of the theory that an earthquake period existed, and is as clearly proven as that the waters at one time submerged the earth, we quote the following, which may account in kind for the formation of the chain of great lakes which forms much of the boundary between the United States and Canada:

"In 1663, one of the most remarkable earthquakes on record occurred in Canada. It commenced on February 5th and continued, with some short intermission, over six months. If accounts of it are not grossly exaggerated, it changed the entire face of the country, causing mountains and rivers to disappear, and forming lakes where mountains had stood before. The fountains were dried up and the color of the rivers was changed. Some of them having their waters tinged with yellow, others with red, those of the St. Lawrence

being white as far down as Tonsalac. Near Three Rivers two mountains are said to have been precipitated into the St. Lawrence, to have changed its course and to have given the white appearance to the vast body of water which it contained." Three years after the great earthquake, in 1666, Jacques Marquette came to Canada as a missionary and acquired several Indian languages. In 1668, he founded the mission of Sault St. Marie which became one of the series which ultimately reached from Quebec to New Orleans by the three river routes of the Wisconsin, Illinois and Wabash to and along the Mississippi using the Ohio river on the Wabash route from the present site of Shawneetown in Illinois to Cairo, Ill., where the Ohio joins the Mississippi. Marquette was driven from Sault St. Marie by the Sioux Indians and went with the Hurons to Mackinac in 1671, where he founded the mission of St. Ignatius which formed another link in the chain of posts above mentioned. At this time, Father Dablon was the Superior of the Jesuit missions in Canada. To him, Marquette wrote in glowing terms about his success in Mackinac saying: "I am ready, however, to leave it in the hands of another missionary, to go on your order to seek new nations toward the South sea who are still unknown to us, and to teach them of our great God, whom they have hitherto not known." On May 17, 1673, in company with Louis Joliet and five other Frenchmen, he left Mackinac in two canoes. They followed the northern coast of Lake Michigan until they entered Green Bay at the foot of which the present city of

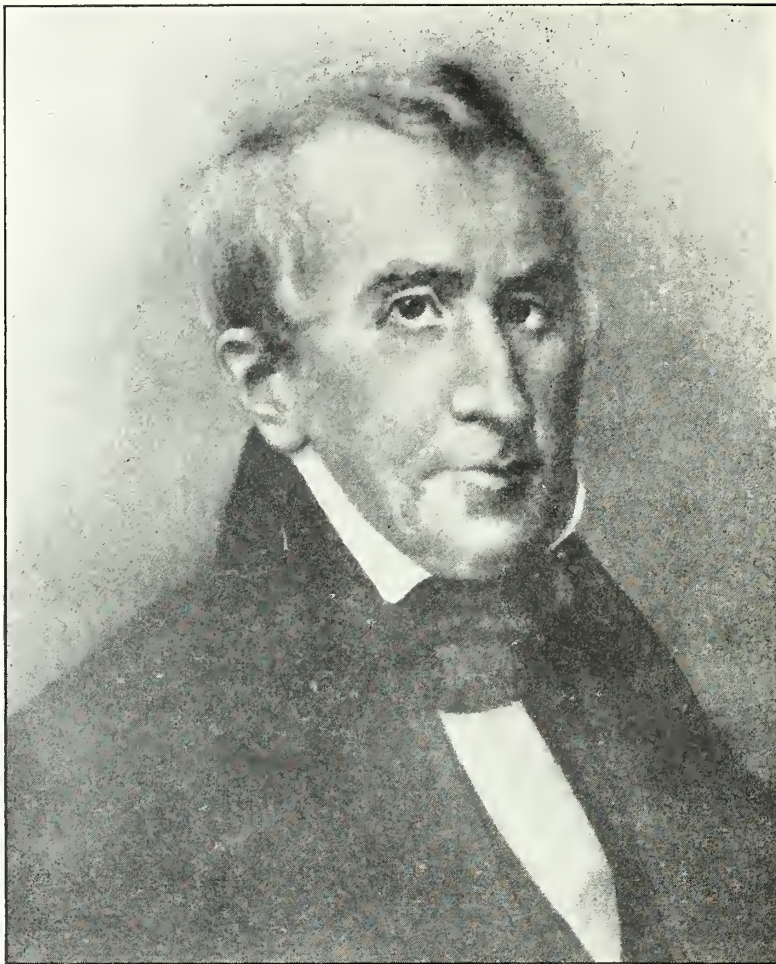
Green Bay, Wisconsin, is located. They entered the mouth of the Fox river and proceeded southward to the head of that river which is the outlet of Lake Winnebago at the head of which the present city of Fon-du-lac is situated. Somewhere on the west bank of this lake they landed at a village of the Miami and Kickapoo Indians. At this point, they found a cross which had been erected there by French missionaries in 1658 and here Marquette and Joliet found themselves at the extreme western point to which the white man had reached, north of De Soto's discovery. No European had ever advanced beyond this point. Here the missionary of 1658 had found the friendly Miami Indian and here Marquette and Joliet receive hospitality at his hands. Here the Miami Indian is mentioned in history for the first time and from this point two Miami Indians conduct these great explorers across the portage to the Wisconsin river. The Chief of the Miami Indians was always accompanied by a body guard which added dignity to his position and caused him to be treated with more than ordinary reverence. Marquette assembled the chiefs and old men of the village and, pointing to Joliet, said, "My friend is an envoy of France to discover new countries, and I am an ambassador from God to enlighten them with the truths of the Gospel." It is a matter of speculation as to the exact point from which the discoverers started on Lake Winnebago but presumably from near the present site of Oshkosh. Marquette tells us in his journal that the two Miamis returned after the Wisconsin had been reached at a point not made clear by anything yet written on the subject. It is sufficient to know that these explorers were in an unknown country upon which no white man had ever stood; on an unknown river, without pilots, upon the bosom of which no white man had ever floated. Moving with the current of the Wisconsin, these seven Frenchmen in their two canoes entered the broad bosom of

the Father of Waters, on the 17th day of June exactly a month after their departure from Mackinac at a point near the present city of Prairie-du-Chien, Wisconsin. They believed that the great river which they had that day discovered, would lead them to the South sea and that the dream of nearly two hundred years of a short route to India was about to be gloriously realized. They floated southward and passed by the present sites of Dubuque, Clinton, Davenport, Muscatine, Burlington and Keokuk in the State of Iowa. They made several landings in this State and excursions to the interior. They were received hospitably and furnished provisions by the Kickapoos who had never before seen a white man. They passed the present sites of Rock Island, Quincy, East St. Louis and Cairo in Illinois, making excursions into the interior and visiting Indian tribes, especially the Kickapoos and preaching to them. They passed the present sites of Hannibal, Louisiana, St. Louis and St. Genevieve, in the State of Missouri and described it as abounding in large game, more particularly, vast herds of buffalo. They passed the mouth of the Ohio river, four years after that river had been discovered by LaSalle, who had navigated it certainly as far toward its mouth as Louisville, Kentucky. They passed the present site of Columbus, Kentucky, and Memphis, Tennessee, and went as far south as the mouth of the Arkansas river about the 34th parallel of latitude. They became convinced here that the river, running south as it did, must empty into the Gulf of Mexico and not into the South sea or Pacific ocean, discovered by Sir Francis Drake in 1570 from a mountain top on the Isthmus of Panama, from whence he could see the waters of the Gulf and the Pacific ocean. It was for a long time afterward supposed that the continent of America was a narrow wedge shaped piece of land and that the waters west of the Appalachian range flowed west into what was then called the South sea.



ARTHUR ST. CLAIR
Territorial Governor
1788-1802

ARTHUR ST. CLAIR was born in Scotland, in 1734, and after receiving a classical education in one of the most celebrated universities of his native country, studied medicine; but having a taste for military pursuits, he sought and obtained a subaltern's appointment, and was with Wolfe in the storming of Quebec. After the peace of 1763, he was assigned the command of Fort Ligonier, in Pennsylvania, and received there a grant of 1,000 acres. Prior to the Revolutionary War, he held several civil offices. His military skill and experience, intelligence and integrity, were such, that when the Revolutionary War commenced, he was appointed Colonel of Continentals. In August, 1776, he was promoted to the rank of Brigadier, and bore an active part in the battles of Trenton and Princeton. Afterwards he became Major-General, and when he abandoned Ticonderoga on the approach of Burgoyne's army, charges of cowardice, incapacity and treachery were brought against him. He was tried by court-martial, and the fact was disclosed that the works were incomplete, and incapable of being defended against the whole British army; he was acquitted, with the highest honor, of the charges against him. After the passage of the ordinance for the government of the Northwestern Territory, he was made Governor, and continued in the office until within a few weeks of the termination of the Territorial form of government, in the winter of 1802-3, when he was removed by President Jefferson. On the 31st of August, 1818, after a long and useful life, Governor St. Clair died near Greensburg, aged eighty-four years.

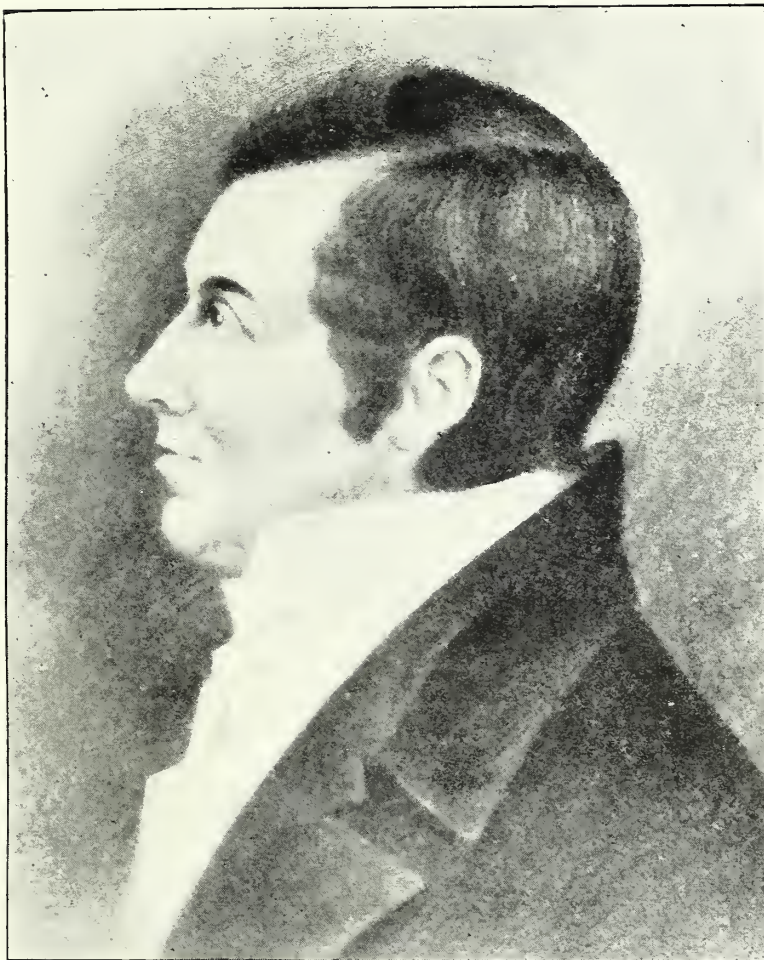


WILLIAM HENRY HARRISON

Acting Territorial Governor

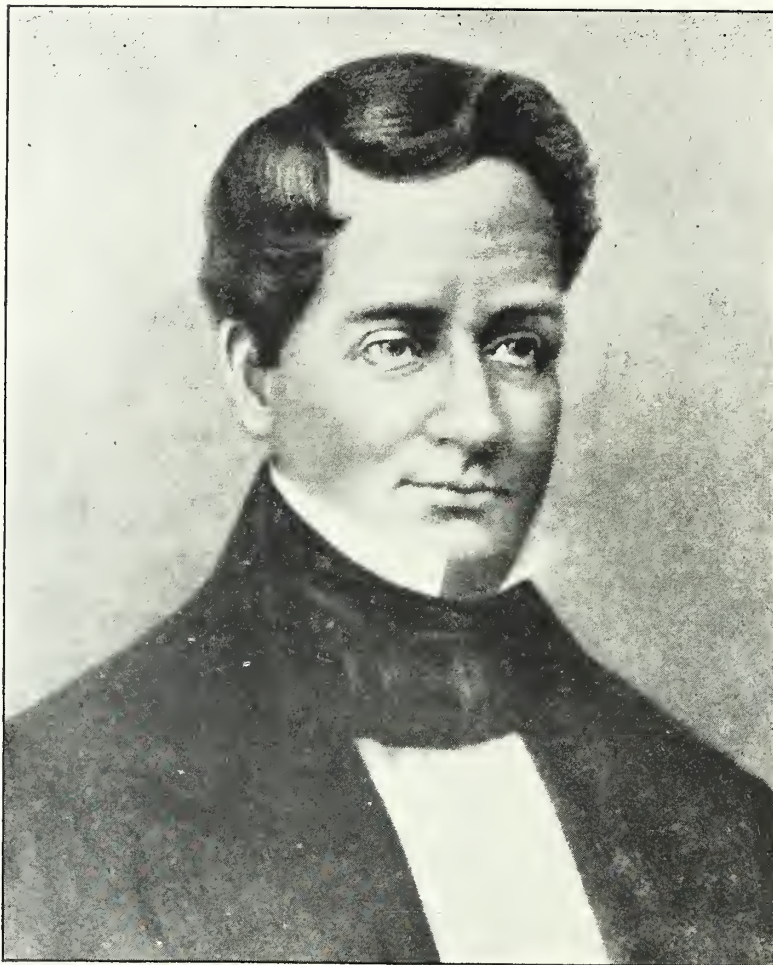
1798

WILLIAM HENRY HARRISON was born at Berkeley, on James River, twenty-five miles from Richmond, Va., in 1773. He was the youngest of three sons of Benjamin Harrison, who represented Virginia in Congress. William Henry Harrison entered Hampton Sydney College, which he left at seventeen years of age. He then began the study of medicine, but the death of his father checked his professional aspirations; he then resolved to enter the service of the Government in a campaign against the Indians of the West. His guardian, the celebrated Robert Morris, opposed his wishes, but in vain; General Washington yielded to the importunities of the youth, and presented him with an ensign's commission. With characteristic ardor he departed for Fort Washington, now Cincinnati, where, however, he arrived too late to participate in the unfortunate campaign of St. Clair. After the treaty of 1795, he was given command of Fort Washington. He resigned the commission in a short time, and began his civil career at the age of twenty-four. He was appointed by President Adams, Secretary to Governor St. Clair. He was Lieutenant-Governor ex-officio, and Acting Governor during the frequent and prolonged absence of General St. Clair. In 1801, he was appointed by Mr. Adams Governor of Indiana Territory. Among his duties was that of Commissioner to treat with the Indians. In this capacity he concluded fifteen treaties, and purchased their title to upwards of seventy million acres of land. On the 6th of November, 1811 the battle of Tippecanoe was fought. Victory declared in favor of discipline, at the expense, however, of some of the most gallant spirits of the age. At the surrender of Hull he was appointed Major-General in the army of the United States. To do justice to this part of the biography requires a volume by itself. In 1840, General Harrison was called by the people of the United States to preside over the country as its Chief Magistrate. His death, which caused a deep sensation throughout the country, occurred April 4, 1841, just a month after his inauguration. He was the first President of the United States that died in office.



EDWARD TIFFIN
First Constitutional Governor

EDWARD TIFFIN, the first Constitutional Governor of Ohio, was born in Carlisle, England, June 19, 1766. He received a good English education and began the study of medicine, which he continued on his emigration—at eighteen years of age—to Berkeley County, Va. In 1789 he graduated from the University of Pennsylvania. In the same year he married Mary, sister of Thomas Worthington, of Charleston, W. Va. In 1796 he manumitted his slaves, and, accompanied by his brother-in-law, and Robert Lucas, removed to Chillicothe. In 1802, he was chosen President of the first Constitutional Convention; afterwards candidate for Governor, to which office he was re-elected in January, 1803, without opposition. Two years later he was re-elected, and the office was tendered him the third time, but he declined. The most notable incident of his administration was the suppression of the Burr-Blennerhassett expedition. At the close of his second term as Governor, he was elected to the United States Senate. In 1809, the death of his much beloved wife was a serious blow to Senator Tiffin; he resigned his seat in the Senate, and retired to private life. The new State of Ohio was fortunate in having for its first Chief Executive a man of such extraordinary and versatile talents. The formative condition of affairs gave opportunity to display his genius, and his able administration was of inestimable value in developing and advancing the interests of the young commonwealth. He died August 9, 1829.



THOMAS KIRKER

Acting

1807-1808

THOMAS KIRKER, of Irish ancestry, was among the early settlers in Adams County. He was popular with his associates, but of limited talents. He was one of that coterie of Democrats that brought about the political overthrow of Governor St. Clair in the Territory. He was commissioned by St. Clair a Justice of the Peace, at the organization of Adams County, through influence of his friend, Nathaniel Massie, and as such became a Judge of the Court of Quarter Sessions. He was a member of the first Constitutional Convention. He served many years in the Legislature, both in Senate and House. In 1807, Return J. Meigs, of Washington County, was elected Governor, but his election being contested, the General Assembly decided that he was not eligible, because he had not been a resident of the State the required time by the Constitution. At the time Thomas Kirker was Speaker of the Senate, and thereupon became Acting Governor. Governor Kirker, while not a brilliant man, played a strong part in the early history of the State. His fidelity to friends and duty seems to have been his chief characteristic.



SAMUEL HUNTINGTON

1808-1810

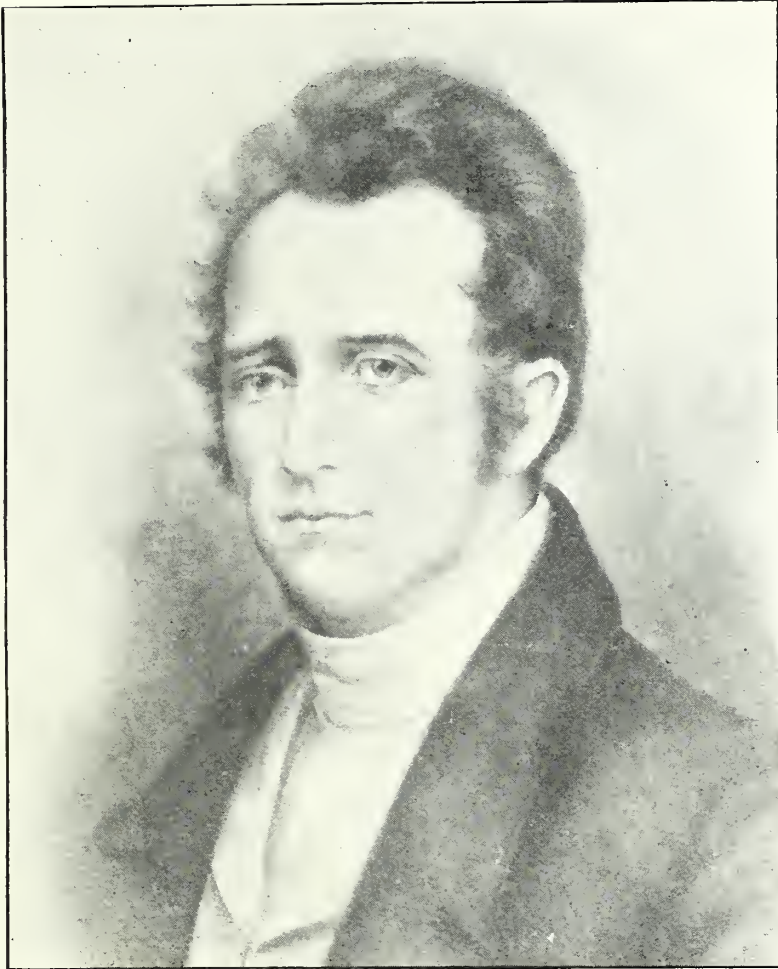
SAMUEL HUNTINGTON was born in 1765. He was the adopted son of Samuel Huntington, an eminent lawyer and signer of the Declaration of Independence. He graduated at Yale College, in 1785; was admitted to the bar in 1793, and began the practice of law in his native State, Connecticut. He removed to Cleveland, Ohio, in 1801, and in this State passed the remainder of his days. Prior to his nomination for Governor, he held the offices of Judge of the Superior Court, Chief Justice of the Supreme Court, and State Senator. In 1808, he was elected Governor of the State of Ohio. His administration was stormy, its chief distinction being, "The Sweeping Resolution," which was an attempt to subordinate the Judiciary to the Legislature, and which happily ended in failure. Notwithstanding the radical and undemocratic ideas that Governor Huntington, at times, exercised, he was considered an able man and lawyer. While in college he was always a leader, and in civil life he continued to be one; although his life was not as brilliant and glittering as some, it was at least even and honest. He died at Painesville, Ohio, in 1817, aged fifty-two years.



RETURN JONATHAN MEIGS

1810-1814

RETURN JONATHAN MEIGS was born at Middletown, Conn., in 1765; graduated at Yale, studied law, and was admitted to the bar in his native town. He was among the first settlers of Marietta. In the winter of 1802-3, he was elected Chief Justice of the Supreme Court of the State. The next year he resigned this office, having received from Jefferson the appointment of Commandant of the United States troops and militia in the Upper District of Louisiana, and shortly after was appointed one of the judges of the Territory of Louisiana. In April, 1807, he was commissioned a judge of Michigan Territory; resigned the commission in October, to become a candidate for Governor of Ohio; was elected, in a spirited canvass, over his competitor, General Massie; but not having the constitutional qualifications of the four years' residence in the State, prior to the election, his election was contested, and decided against him. In the session of 1807-8, he was appointed Senator in Congress, which office he afterwards resigned, and was elected Governor of Ohio in 1810. In March, 1814, having been appointed Postmaster General of the United States, he resigned that office, and continued his new vocation until 1823. He died at Marietta, March 29, 1825.

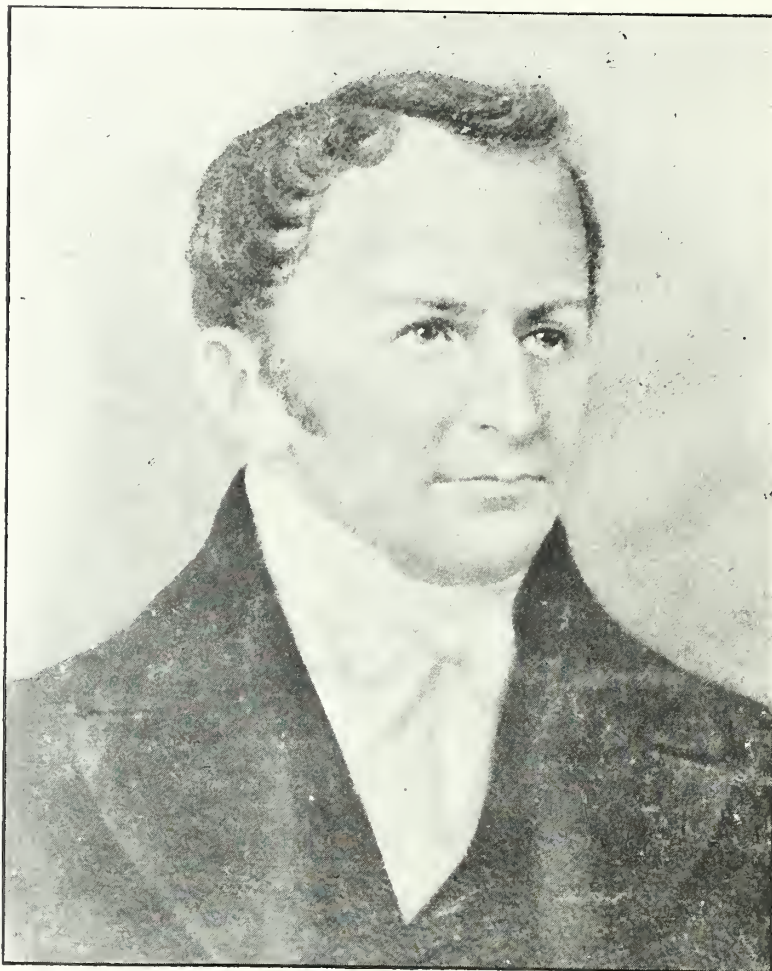


OTHNIEL LOOKER

Acting

1814

OTHNIEL LOOKER was born in the State of New York, of humble parentage, in 1757. He enlisted as a private in the Revolutionary War; serving through the war. In 1784, having received a grant of land in the wilderness of the Northwest, he crossed the Alleghenies, and locating his grant, built his cabin, and commenced his life labor as a hard working farmer. He devoted himself strictly to the business of a farmer, and on the organization of the State was elected a member of the Legislature. Here he availed himself of the advantages such a school afforded, and so rose in public esteem as to be sent to the Senate. He became Speaker of that body, and when Governor Meigs resigned the Governorship in 1814, he became the fourth Governor of Ohio. He served but eight months, returning to his farm, respected by all as a man of clear mind, much intelligence and peaceful disposition. Strange to say, no records are available to make a more satisfactory sketch. He died unmarried.



THOMAS WORTHINGTON

1814-1818

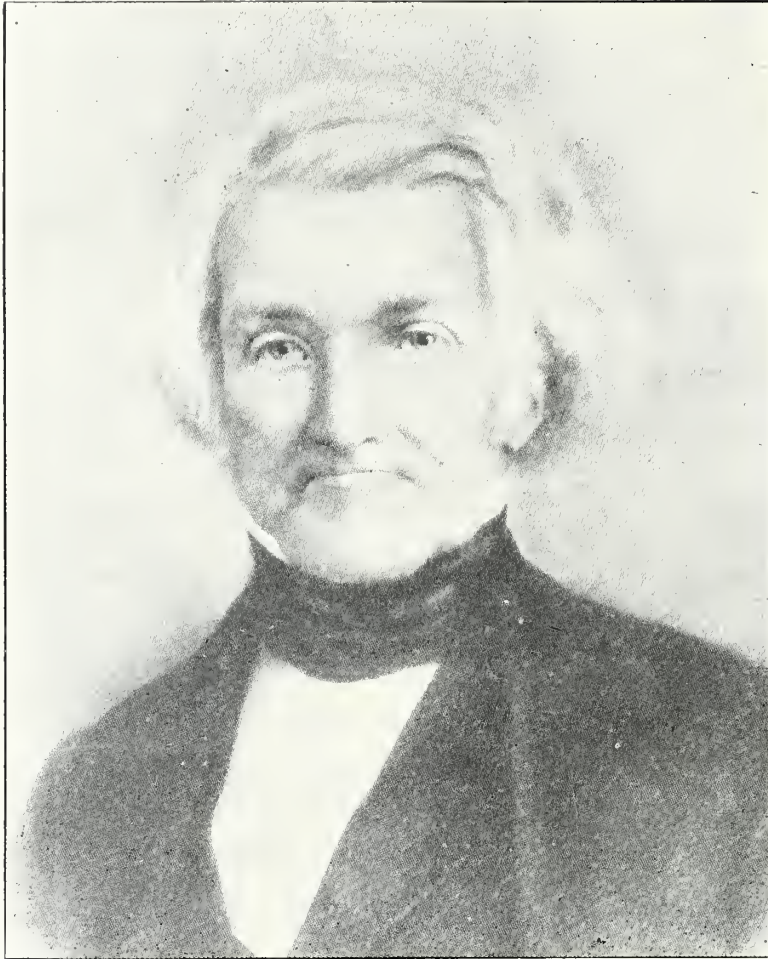
THOMAS WORTHINGTON, one of the earliest and most distinguished pioneers of Ohio, was born in Jefferson County, Va., about the year 1769, and settled in Ross County in 1798. He brought from Virginia a large number of slaves, whom he emancipated, and some of their descendants yet remain in Chillicothe. A man of ardent temperament, of energy of mind, and correct habits of life, he soon became distinguished both in business and in political stations. He was a member of the Convention of 1803, to form a State Constitution, in which he was both able and active. Soon after that he became a Senator in Congress from the new State, and was a participant in the most important measures of the administrations of Jefferson and Madison. At the close of his career in Congress, he was elected Governor of the State, in which capacity he was the friend and aid of all the liberal and wise measures of policy which were the foundation of the great prosperity of Ohio. After his retirement from the gubernatorial chair, he was appointed a member of the first board of Canal Commissioners, in which capacity he served until his death. A large landholder, engaged in various and extensive business, and for thirty years in public stations, no man in Ohio did more to form its character and promote its prosperity. He died in 1827.



ETHAN ALLEN BROWN

1818-1822

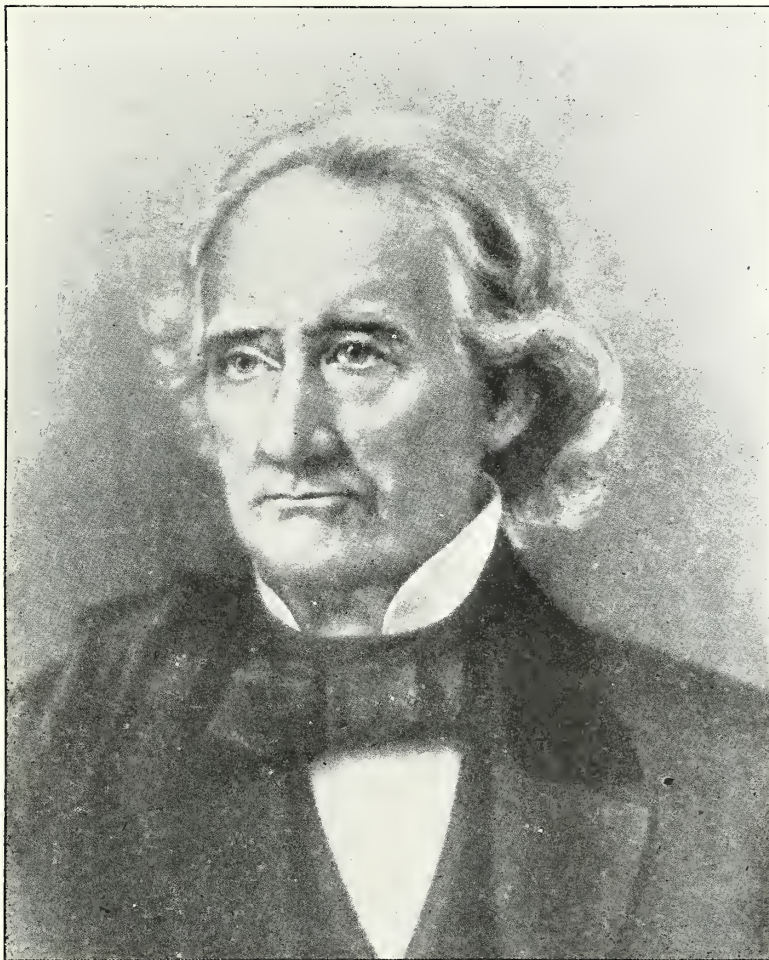
ETHAN ALLEN BROWN was born in Darien, Conn., July 4, 1766. He studied law with Alexander Hamilton; removed to Cincinnati in 1804, and began the practice of his profession. His ability as a lawyer and broad-minded man was soon recognized, and in 1810 he was offered, and accepted, a seat on the Supreme Bench, where he remained until 1818, when he was elected Governor of Ohio, and at once began the agitation of the subject of constructing canals. In 1820, he was re-elected Governor over Jeremiah Morrow and Gen. William Henry Harrison; in 1822 he was elected to the United States Senate; from 1830 to 1834, United States Minister to Brazil; later Commissioner of Public Lands, and then retired to private life. As Governor, Senator and Minister to Brazil, he showed marked ability; though positive in dealing with great questions and men, there was always an undercurrent of sympathy; he being ever ready to assist the weak and give a helping hand to the needy. His career from the beginning was a useful one; the concentration and control of all his forces, brought about by strict habits of life and constant employment, had much to do with the success of his life. He died in 1852, in Indianapolis, after a long and useful career.



JEREMIAH MORROW

1822-1826

JEREMIAH MORROW was born in Gettysburg, Pa., October 6, 1771. He was of Scotch-Irish descent. In 1795, he removed to the Northwest Territory, and settled at the mouth of the Little Miami River, but soon moved up to what is now Warren County. In 1801 he was elected to the Territorial Legislature; was a delegate to the first Constitutional Convention in 1802; was elected to the State Senate in 1803, and in the same year to Congress, serving for ten years as the sole representative of Ohio in the Lower House. In 1814 he was Commissioner, to treat with all the Indians west of the Miami River. From 1813 to 1819 he was a member of the United States Senate, and served as Chairman of the Committee on Public Lands. In 1822 he was elected Governor, and re-elected at the end of his term. He served as Canal Commissioner in 1820-22. He was also the first President of the Little Miami Railroad Company. In 1841 he was elected to Congress; while in Congress Mr. Morrow drafted most of the laws providing for the survey and disposal of public lands. He introduced measures which led to the construction of the Cumberland Road, and in February, 1816, presented the first report recommending a general system of internal improvements. As Governor of Ohio, he industriously furthered the interests of the public works, which were commenced during his administration. He died March 22, 1852.

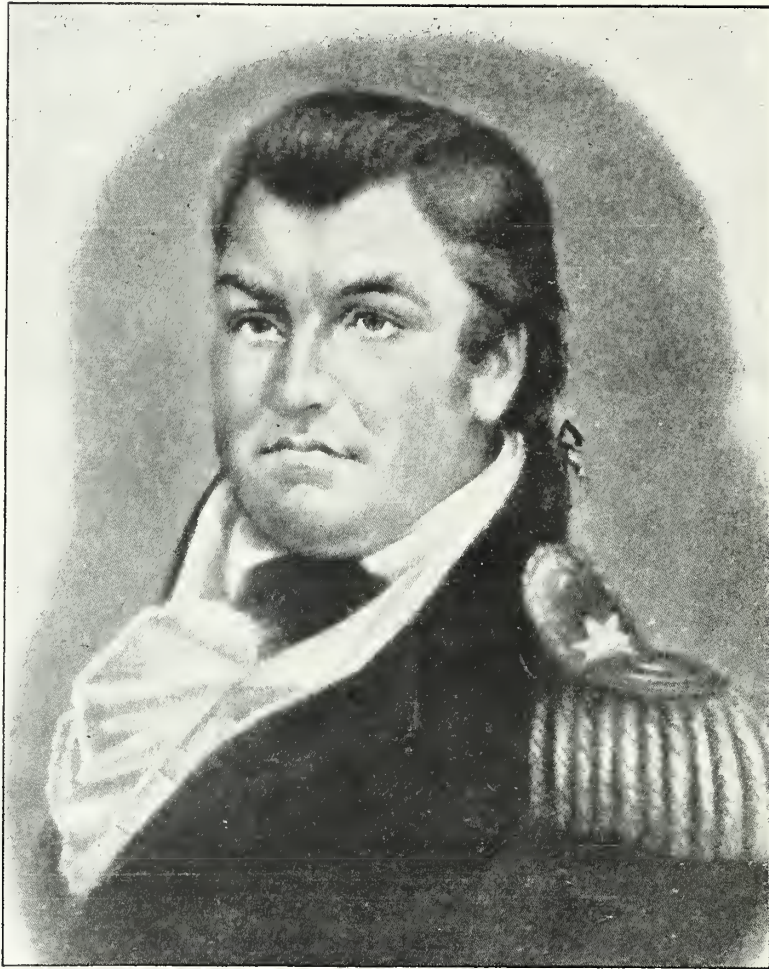


ALLEN TRIMBLE

1822, Acting

1826-1830

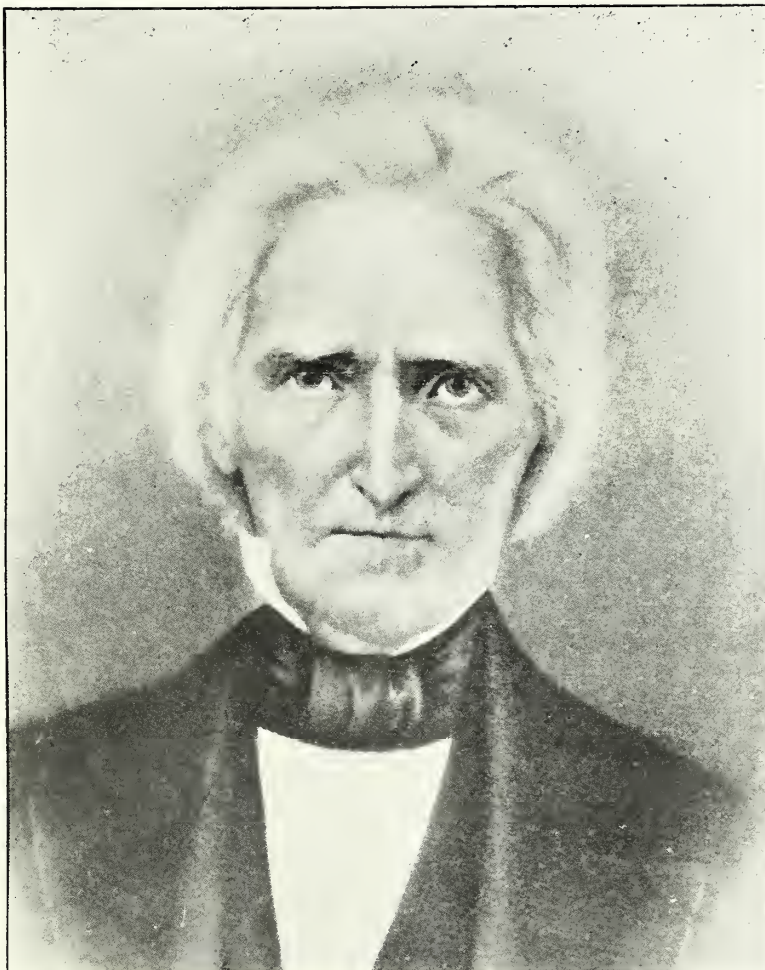
ALLEN TRIMBLE was born in Augusta County, Va., November 24, 1783. His parents were of Scotch-Irish stock. His father, Capt. James, removed to Lexington, Ky., and shortly after his death, which occurred in 1804, Allen settled in Highland County, where he was Clerk of the Courts and Records in 1809-16. In the war of 1812 he commanded a mounted regiment under Gen. William Henry Harrison, and rendered efficient service. He was sent to the Ohio House of Representatives in 1816; was elected State Senator in 1817; was made Speaker of that body, and held the position until January 7, 1822, when he became Acting Governor, and served to the end of that year. In 1826, he was elected Governor, and re-elected in 1828. In 1846-48 was President of the first State Board of Agriculture. As Governor, he did much to extend and improve the common school system, encourage manufacturers and promote penitentiary reform. He was a man of strong religious feeling, of strict integrity, shrewd, and possessed much of which is generally called "good common sense." These qualities made his career of great service to the people of Ohio. He died at the age of eighty-seven, at Hillsboro, Ohio, February 3, 1870.



DUNCAN McARTHUR

1830-1832

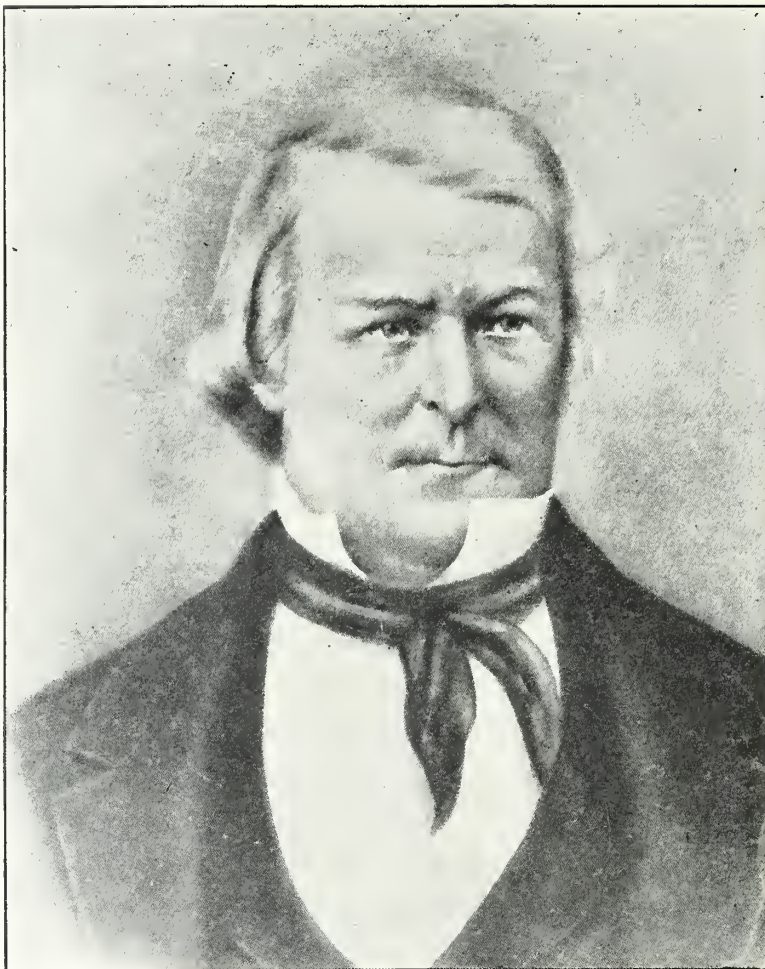
DUNCAN McARTHUR, who was of Scotch parentage, was born in Dutchess County, N. Y., in 1772, and when eight years of age, his father removed to the frontiers of Pennsylvania. His father was in indigent circumstances, and, Duncan, when of sufficient age, hired out as a laborer. At the age of eighteen years he was a volunteer in Haimar's campaign. In the spring of 1793 he engaged as a chain bearer to Gen. Nathaniel Massie, and penetrated with him and others into the Scioto Valley, to make surveys, at times when such an enterprise was full of danger from the Indians. He afterwards became an assistant surveyor to General Massie, and aided him to lay out Chillicothe. He, in the course of this business, became engaged in the purchase and sale of lands, by which he acquired great landed wealth. In 1805 he was a member of the Legislature from Ross County; in 1806, elected Colonel, and in 1808, Major-General of the State Militia. In May, 1812, he was commissioned Colonel in the Ohio Volunteers, afterwards marched to Detroit, and himself and regiment were included in Hull's surrender. After his return as a prisoner of war on parole, the Democratic party in 1812 elected him to Congress by an overwhelming majority. He resigned his seat in Congress, March, 1813, and was commissioned Brigadier-General. After peace was declared, he was elected to the Legislature; in 1822 was again chosen to Congress, and in 1830 was elected Governor of Ohio by an anti-Jackson party; after his term expired, he again ran for Congress, but was defeated, which terminated his political career. By an unfortunate accident, in June, 1830, McArthur was horribly bruised and maimed, and from this severe misfortune his bodily and mental powers constantly declined, until death, several years after, closed his career.



ROBERT LUCAS

1832-1836

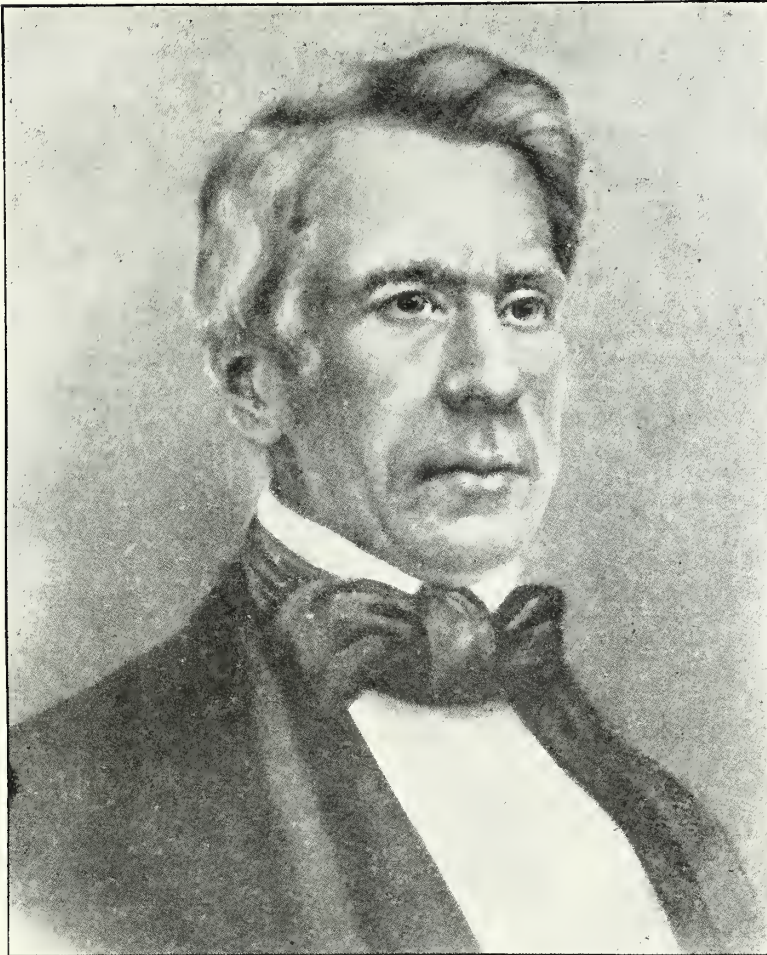
ROBERT LUCAS was born in Sheperdstown, Va., April 1, 1781. His father was a Captain in the Revolutionary Army, and a descendant of William Penn. The son removed to Ohio in 1802, and settled near the mouth of a the Scioto River, where Portsmouth now stands. He raised a battalion of volunteers for the war of 1812; served as Brigadier-General, and saw considerable service at Fort Meigs and Lower Sandusky. He removed to Piketon, and there, in connection with his brother, conducted a general store. He was several times elected to the Ohio Senate and House, serving as Speaker of the latter. In 1832 he presided over the Democratic National Convention that nominated Andrew Jackson for a second term. The same year he was elected Governor of Ohio, defeating his opponent, Gen. Duncan McArthur by one vote. In 1834 he was re-elected Governor. While Governor, the "Toledo War" occurred, and he successfully maintained the Ohio side of the controversy. In 1848 he was appointed by President Van Buren the first Territorial Governor of Iowa. Governor Lucas was a man of strong personalities; his determination, together with good judgment, made him not only a good soldier, but a valuable public servant; his services to his State and country were invaluable, and came at a time when strength, both mental and moral, was most needed. He died in Iowa City, Ia., February 7, 1853.



JOSEPH VANCE

1836-1838

JOSEPH VANCE was born in Washington, Pa., in 1786, of Scotch-Irish stock. In 1805 he came with his father to Urbana, and took an active part in public matters. He was a militia officer prior to, and during the war of 1812. During the same year he was elected to the State Legislature, and was sent to Congress in 1820, and remained there until 1836; and was again elected in 1843. In 1827 he advocated the repair and extension of the National Road, then called the Cumberland Road, through Ohio and other States of the West, and in a speech in Congress in support of a bill before the House, made some hard thrusts at the advocates of State rights. In politics, he was a Whig of the Henry Clay school; a great friend of public improvements, and one of the first men of the country to import thoroughbred stock. He had a pleasant and talkative disposition, and a happy faculty of describing scenes of public life he had witnessed, and the public men he had met. As a speaker, he had a strong, rich voice, speaking with great earnestness and force, and without the art of the practiced debater. He was elected Governor of the State of Ohio in 1837, and again in 1851. While acting as a member of the Convention to Revise the Constitution of the State, he was stricken with paralysis, and the next year died on his farm, two miles north of Urbana.



WILSON SHANNON

1838-1840

1842-1844

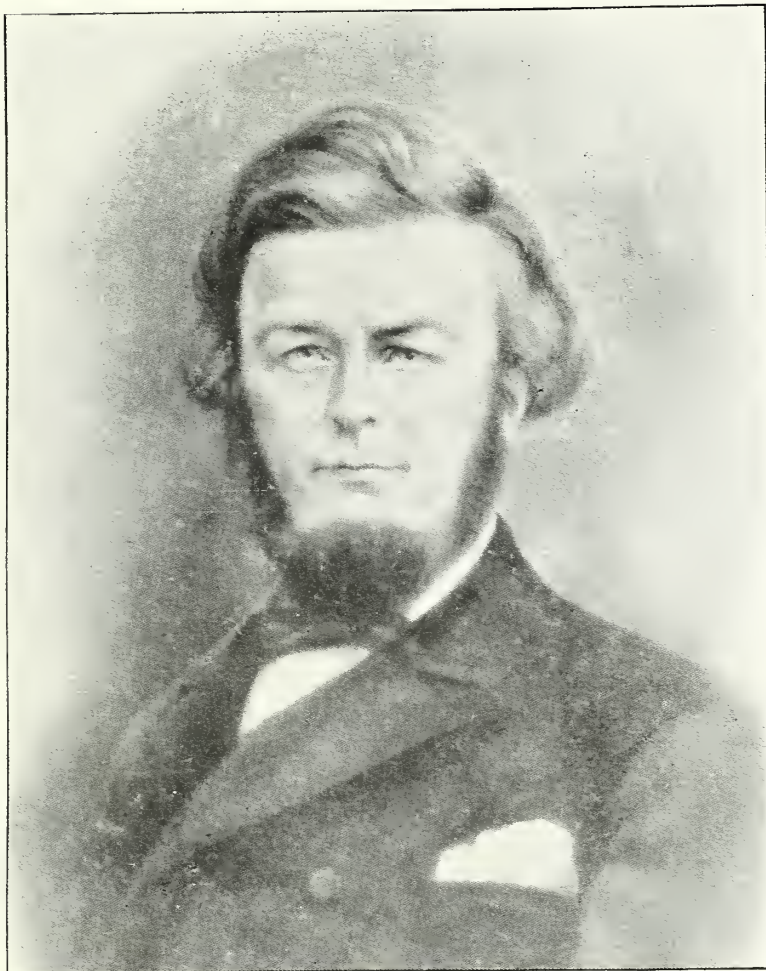
WILSON SHANNON was born February 24, 1802, in a cabin at Mount Olivet, Belmont County, Ohio. This county has the honor of being the first to supply the State with an Ohio-born Governor. He was of Irish descent. Wilson Shannon was educated at Athens and Transylvania University, and then studied law with Charles Hammond and David Jennings, at St. Clairsville, and soon became eminent at the bar. In 1838, he was elected Governor on the Democratic ticket, by 5,738 votes over Joseph Vance, the Whig candidate; defeated in 1840, by Mr. Corwin, and in 1842, elected Governor the second time. In 1844 was appointed Minister to Mexico. In 1852 was sent to Congress, where he was one of the four Ohio Democrats who voted for the Kansas and Nebraska bill. President Pierce later appointed him Governor of Kansas, which position he resigned in 1857, and resumed the practice of law. In 1875, connection with the Hon. Jeremiah Black, of Pennsylvania, he argued the celebrated Osage Land Case before the Supreme Court, and won the case for the settlers. As a lawyer, he was bold, diligent, courageous and ever ready to assist the weak and struggling. Possessing a noble presence in his old age, he was described as a picture of the hardy, hale old gentleman of the olden times. He died in 1877, and was buried at Lawrence, Kan., where the last twenty years of his life had been passed.



THOMAS CORWIN

1840-1842

THOMAS CORWIN was born in Kentucky, July 29, 1794. His father removed to the Northwest Territory in 1798. He studied law, and was admitted to the bar at Lebanon, Ohio, in 1817. In 1821, he was elected to the Legislature. In 1830 he was elected to Congress on the anti-Jackson ticket, by a handsome majority. While in Congress, he was nominated by the Whig party as a candidate for Governor; resigned his seat, and was elected in 1840, over Wilson Shannon, by the largest majority received in the State of Ohio since the division of the voters into two political parties. In 1845 Governor Corwin was elected United States Senator by the Whig party. He was appointed Secretary of the Treasury by President Fillmore in 1850. He was re-elected to Congress in 1858, and on March 12, 1861, President Lincoln appointed him Minister to Mexico. On his return from Mexico he opened a law office in Washington, and his earthly career terminated suddenly in the following year. He was stricken with paralysis, and died in Washington, December 18, 1865. The sudden death of Corwin touched the heart of the nation; the people everywhere felt that a great man, a true patriot, and a wonderful genius, had departed. Corwin was truly a wonderful man; as an orator he had few equals, and as a statesman had no superiors.

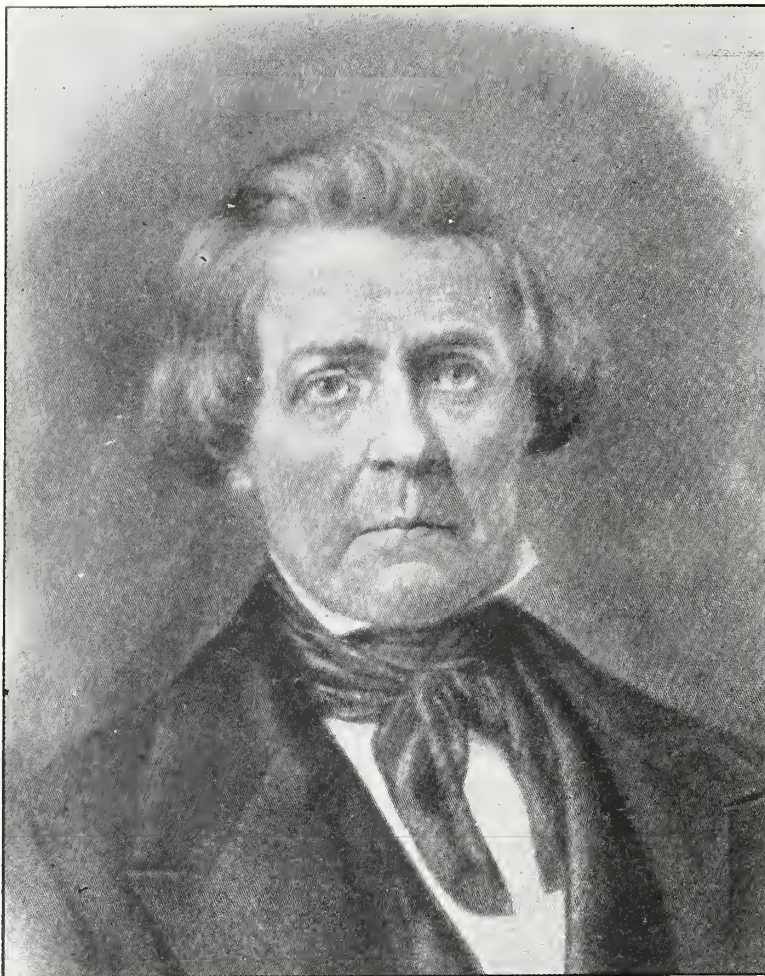


THOMAS WELLES BARTLEY

Acting

1844

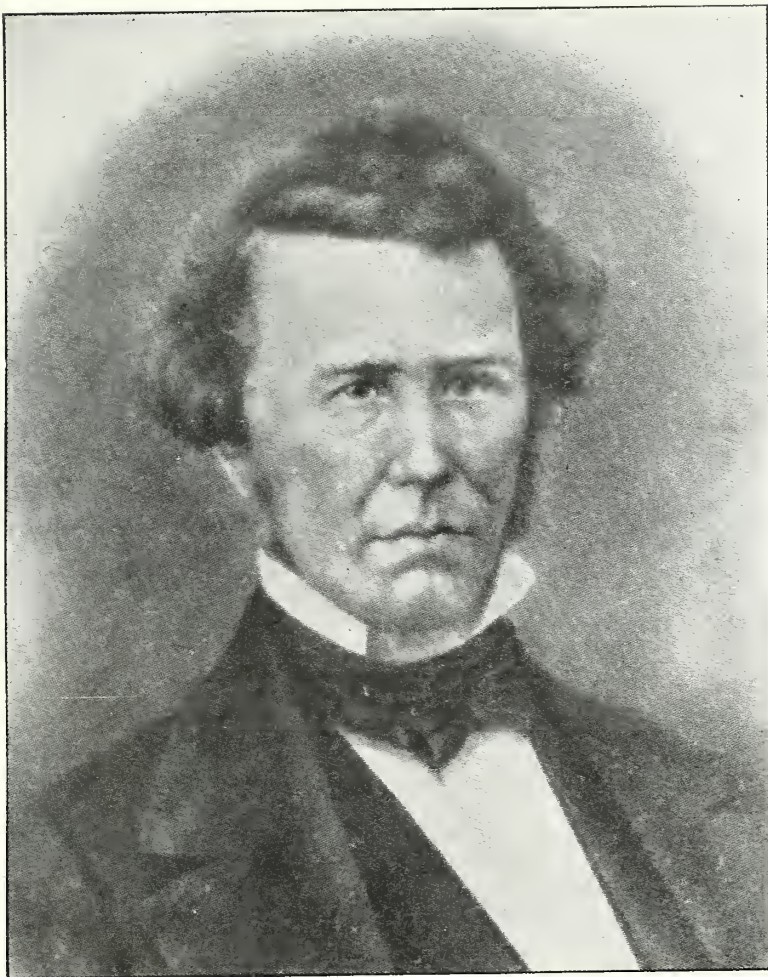
THOMAS WELLES BARTLEY was born February 11, 1812, in Jefferson County, Ohio. His ancestors had emigrated from Northumberland County, England, and settled in Loudon County, Va., but subsequently removed to Fayette County, Pa. Thomas Bartley graduated from Jefferson College, Pennsylvania, with a degree of bachelor of arts; studied law in Washington City, and was licensed to practice at Mansfield, Ohio, in 1843. Having very soon taken a leading position at the bar, he was elected Attorney-General of the State, and served as such for four years; after which he was appointed United States District Attorney, and served in that office for four years. Elected subsequently to the Legislature, he served one term in the House, and four in the Senate, of the General Assembly of Ohio. Being Speaker of the Senate when Governor Shannon resigned, he became the Governor of Ohio in 1844, and administered the duties of that office until the inauguration of his father, Mordecai Bartley, the closing month of the year. In 1851 he was elected Judge of the Supreme Court of the State, and having served two terms, he again began the practice of his profession in Cincinnati, but ill-health of his family induced him to remove to Washington City in 1869.



MORDECAI BARTLEY

1844-1846

MORDECAI BARTLEY, the thirteenth Governor of Ohio, was born in Fayette County, Pa., 1783. In 1809 he settled as a farmer in Jefferson County, Ohio, near the mouth of Cross Creek. In the war of 1812 he raised a company of volunteers under Harrison. After the war he opened up a farm in the wilderness of Richland, and by hard work and strict economy, saved enough money to engage in merchandising in Mansfield. He was very successful in the merchandise business, and by the influence for the higher ideals of life and politics, did much for his town and the county in which he lived. In 1823 he was elected to Congress, and served four terms; he was the first to propose the conversion of the land grants in Ohio into a permanent fund for the support of common schools; this made him very popular, and in 1844 he was nominated and elected Governor of Ohio on the Whig ticket. His State papers showed marked ability, and he was considered by even his most bitter partisans a very able and conscientious man. He declined a second nomination, preferring to pass the remainder of his days in the practice of law, and in farming. He was very successful as a lawyer and a farmer, but rather preferred the quietude of his farm to the strenuous life of a lawyer and politician. On account of his perfect habits, he lived to a ripe old age, being eighty-three when he died, October 10, 1870.



WILLIAM BEEB

1846-1849

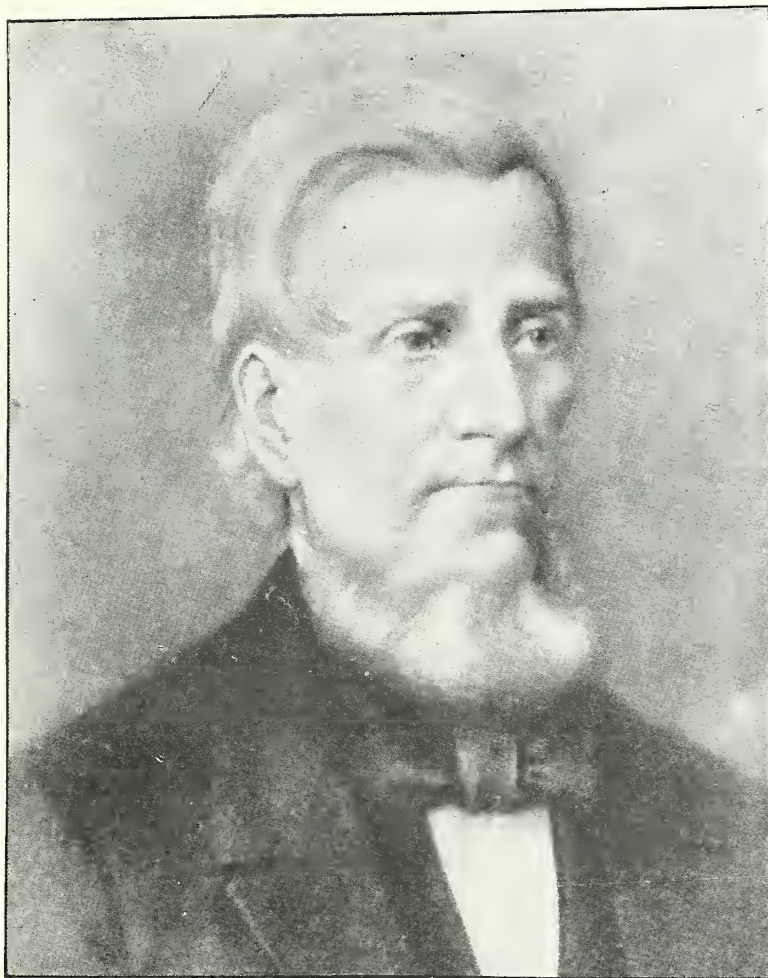
WILLIAM BEEB was born in 1802, on the Dry Fork of Whitewater, in Morgan Township. He was of Welsh stock. During the Mexican war, 1846-1848, Mr. Beeb was elected Governor of Ohio, by the Whig party, and after his term expired he retired to private life. He was a well-informed man; rather tall, with a dark complexion, and at times noted for his easy eloquence; he was especially strong as a jury lawyer; it was said his appeals to a jury were very touching. His old home is yet standing in the southern part of the county. He removed to Rock River, Ill., early in the fifties, where he had a large farm. He was very successful as a farmer, but being very peculiar and conscientious, he felt that he should do something for his countrymen; so he sold his farm, went to Europe, organized, and led a colony of Welsh Colonists from Wales to Scott County, Tenn. The colony was broken up by the Civil War. Beeb lived to be Pension Examiner under Lincoln, and helped in the election of Grant. Governor Beeb, although very peculiar, was a very broad-minded, conscientious man, and did much for the county, State and country in which he lived. After the abandonment of the colony in Tennessee he went to Illinois, and purchased a home at Rockford, and there spent the remainder of his days. He lived to be seventy-one years of age, and died at his home in Rockford, Ill., in 1873.



SEABURY FORD

1849-1850

SEABURY FORD was born in Cheshire, Conn., in 1801. His parents removed to Geauga County, Ohio, when he was but a child. In 1820, with a companion, he traveled through an almost unbroken wilderness to New Haven, Conn., for a four years' absence to obtain an education at Yale College. They both graduated and were the very first to do so from the young State of Ohio. He studied law, and was long in political life, serving as Speaker of both branches of the State Legislature. He was one of the most efficient men known to the Legislative history of the State. The classical education which he obtained under adverse conditions, taught him the true lesson of self-reliance, and this together with that which is often called, "common sense," fitted him for a useful life, both to himself and his State. His letter to his son, advising him to avoid public life until he had accumulated a fortune sufficient to render himself entirely independent of any official salary, has the true ring, and is characteristic of the man. In 1849 he was elected Governor of Ohio, and very soon after his term expired he was stricken with paralysis, from which he never recovered. Death came in the prime of life, and at the beginning of what promised to be a wonderful career.

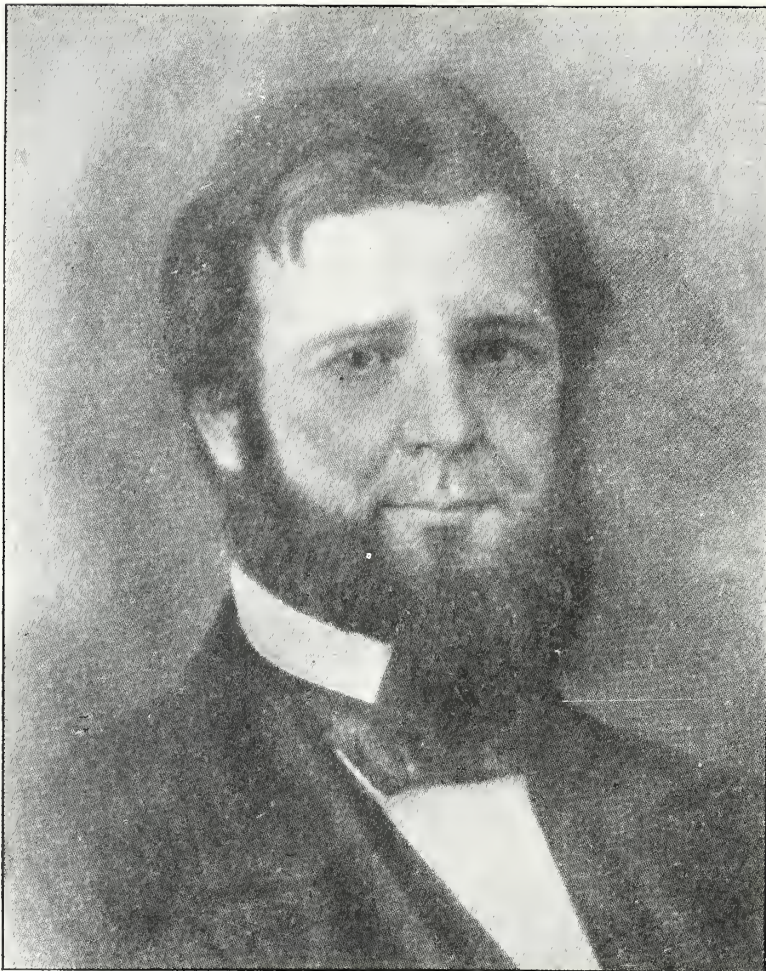


REUBEN WOOD

1850

1851-1853

REUBEN WOOD was born at Royalton, Vt., in 1793. When the war of 1812 broke out he was temporarily living with an uncle in Canada, where he was studying the classics and reading law. He was subjected to military service against his own country. To this he would not submit, and though placed under guard succeeded at the hazard of his life in effecting an escape in a small boat across the entire width of Lake Ontario to Sackett's Harbor. He then worked on a farm to aid his widowed mother, and studied law. In 1818 he emigrated to Cleveland, and engaged in the practice of his profession. He was three times elected to the State Senate; in 1830 was elected President-Judge of the Third Judicial District; in 1833 became Judge of the Supreme Court, by the unanimous vote of the Legislature; in 1841 he was re-elected by the same vote, and for three years was the Chief Justice. He was elected Governor by the Democratic party in 1850, by a majority of 11,000, and re-elected under the new constitution in 1851 by a majority of 26,000. He resigned to accept the position of Consul at Valparaiso, Chili, and later became Minister. The climate of Chili proved too deleterious; he resigned, and returned home to pass the remainder of his days on his noble farm, "Evergreen Place," on the margin of the beautiful lake he loved so well. He died in 1864.

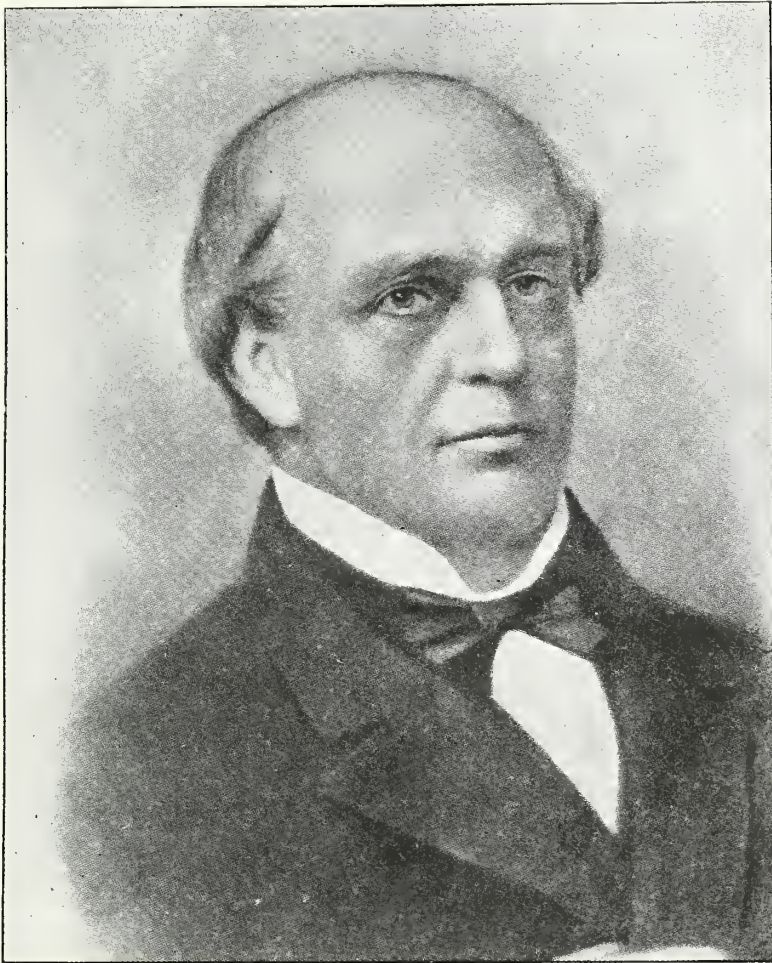


WILLIAM MEDILL

1853, Acting

1854-1856

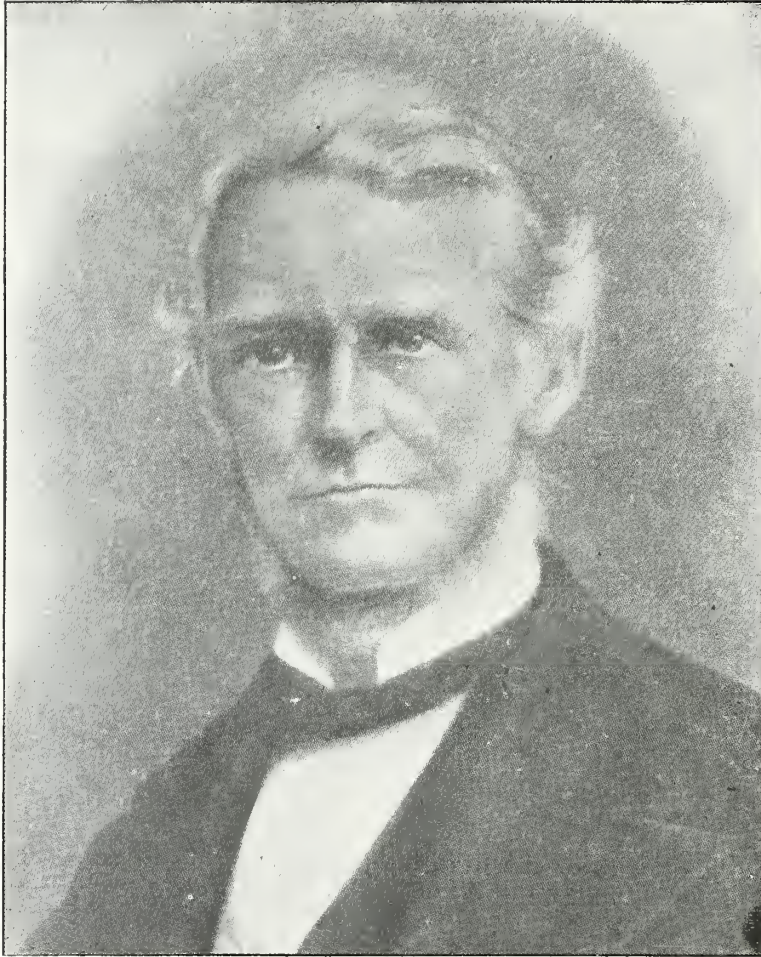
WILLIAM MEDILL was born in New Castle County, Del., in 1802. He removed to Lancaster, Ohio, in 1832, entering at once in the practice of the law; then served three years in the State Legislature, and four years—from 1839 to 1843—in Congress. Early in President Polk's administration he was made First Assistant Postmaster-General, but resigned to accept the Commissionership of Indian Affairs, in which office he introduced many needed reforms. In 1851 he was selected as President of the convention which constructed the second constitution of the State. He was very influential in that body, and was the only member, out of one hundred and five, who rose to Governorship. In 1853, Governor Medill, being then Lieutenant-Governor, succeeded to the Governor's office upon resignation of Governor Wood, and he was elected to that office the same fall. He subsequently held the position of First Comptroller of the United States Treasury, serving through all of President Buchanan's administration, and two months under President Lincoln. His public career then ended, and he returned to Lancaster, where he was held in the highest esteem by the people. Although Governor Medill was a man of culture, of fine manners, and fond of society, he never married. He died at his home in Lancaster, September 2, 1865.



SALMON P. CHASE

1856-1860

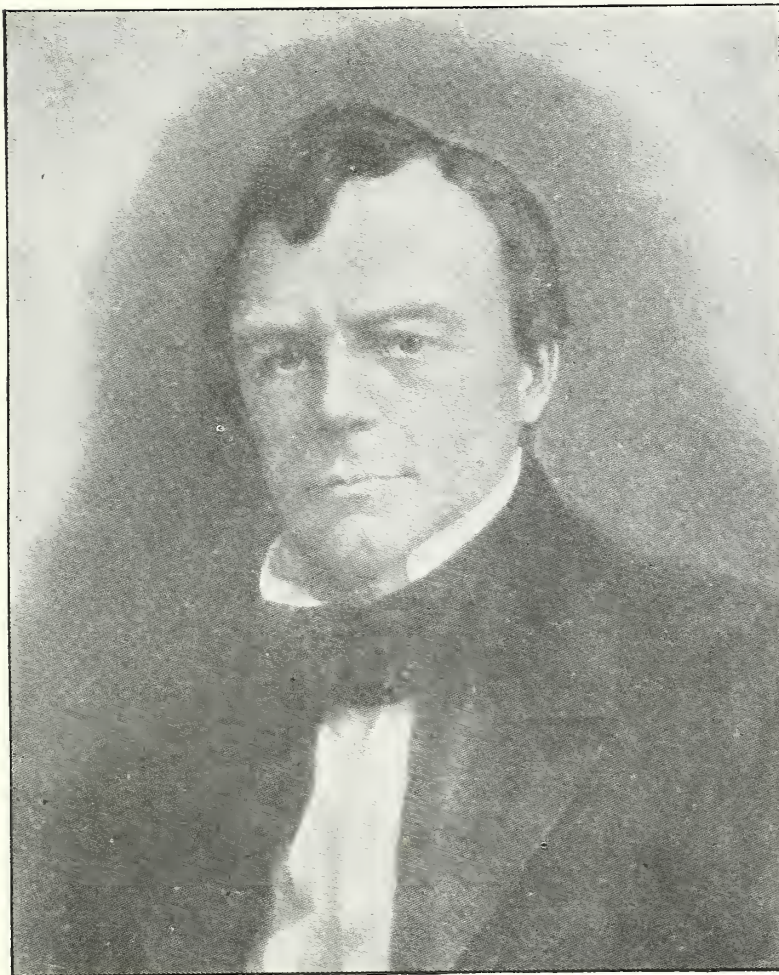
SALMON P. CHASE was born January 13, 1808, in the town of Cornish, New Hampshire. His father was of English, and his mother of Scotch descent. His father died when he was yet a boy, and the family was left in straightened circumstances. He entered Dartmouth College, paying for his college expenses by school teaching, graduating in 1826. He then went to Washington, where he taught a classical school and studied law with William Wirt. Having been admitted to the bar in 1830, he settled in Cincinnati to practice his profession, his age then being twenty-two years. When the Liberty party was organized in Ohio Mr. Chase was foremost, and almost singly wrote the platform. In 1849, by a coalition between the Free Soilers and the Democrats in the Ohio Legislature. Mr. Chase was elected to the United States Senate. In 1855 he was elected Governor of Ohio by the newly formed Republican party. In 1857 he was re-elected Governor. When Mr. Lincoln was called to the Presidency, March 4, 1861, he made Mr. Chase Secretary of the Treasury. On June 30, 1864, Mr. Chase resigned his position as Secretary of the Treasury, and on the nomination of President Lincoln was confirmed on the 5th of December, 1864, Chief Justice of the United States, an office he filled until his death. In his politics he was a Democrat; his sole reason for ever leaving this party being the slavery question. He died in New York, May 7, 1873, of paralysis.



WILLIAM DENNISON

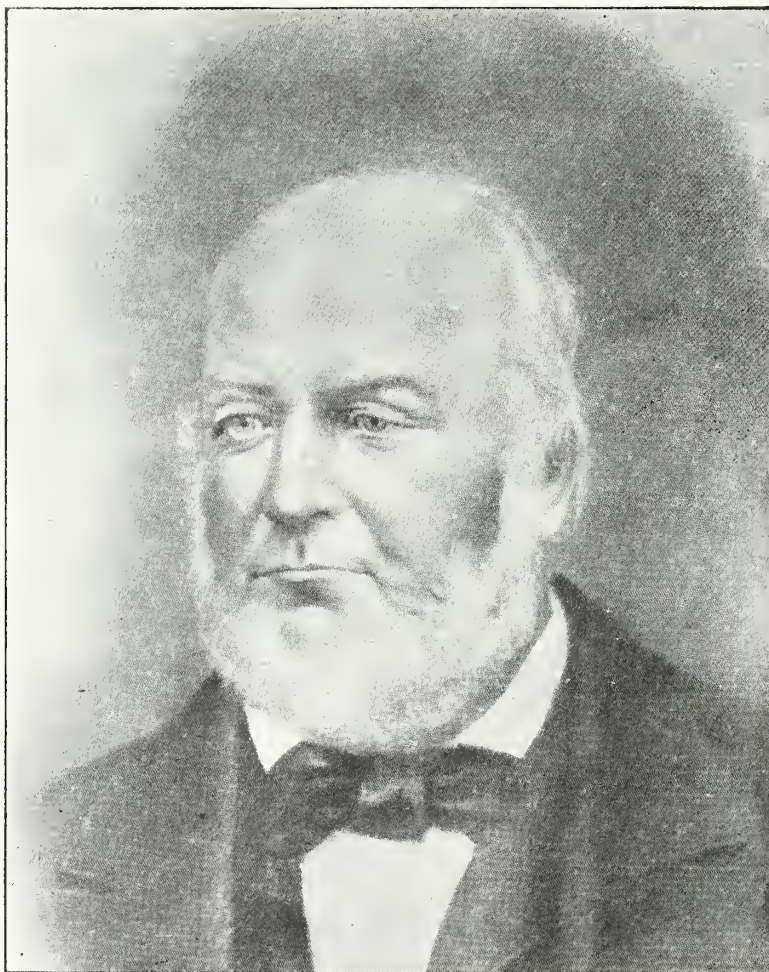
1860--1862

WILLIAM DENNISON, the first of Ohio's trio of War Governors, was born at Cincinnati, November 23, 1815. He graduated from Miami University, and entered upon the study of law in Cincinnati, in the office of Nathaniel G. Pendleton and Stephen Fales. In 1840 he was admitted to the bar. He practiced law until 1848, when he was elected to the Ohio Senate by the Whig party. About this time he became interested in banking and railroads, and was made President of the Exchange Bank, and also of the Columbus and Xenia Railroad Company. In 1856 he was a delegate to the convention which inaugurated the Republican party, and the same year took a prominent part in the convention which nominated John C. Fremont for the Presidency. In 1860 he was elected Governor of Ohio by the Republicans. He was elected Chairman of the Republican convention at Baltimore, which in 1864 renominated President Lincoln, and was by him appointed Postmaster-General, holding that position until 1866. In 1880 he was a leader to the friends of Senator John Sherman in the effort to secure his nomination in the National Republican Convention of that year. Governor Dennison accumulated a handsome fortune in his private business, and contributed largely to Dennison College, at Granville, Ohio. He died at his home in Columbus, June 15, 1882.



DAVID TOD
1862-1864

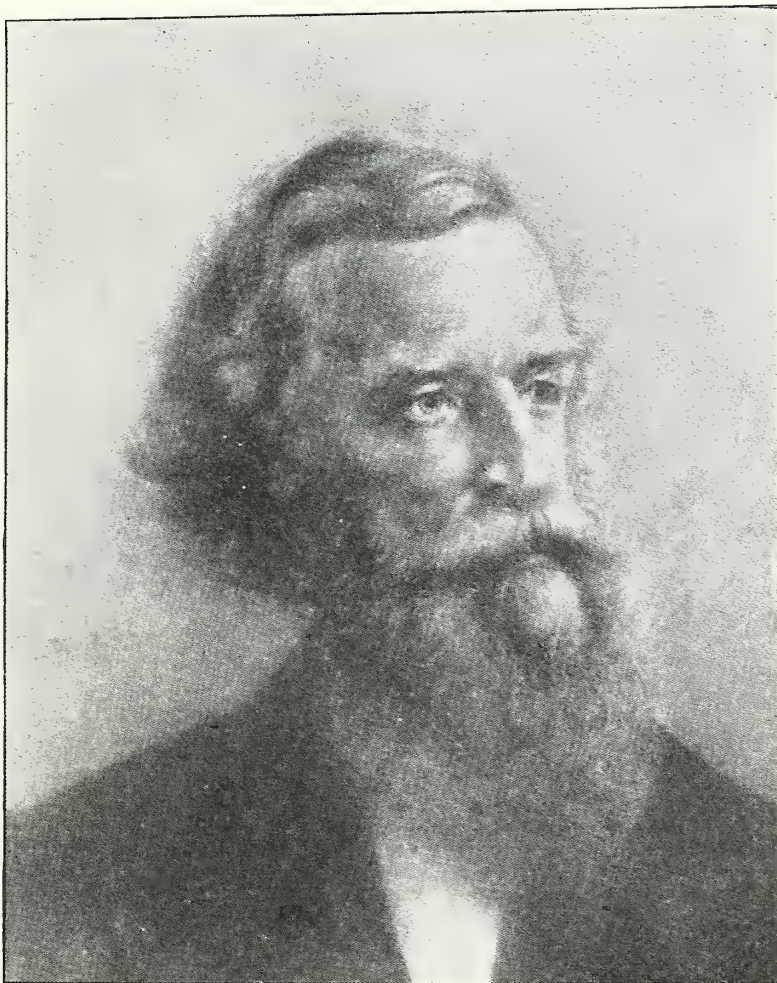
DAVID TOD, the second of Ohio's War Governors, was born in Youngstown, February, 21, 1805. He studied law, and was admitted to the bar in 1827. As a lawyer he was very successful, and soon accumulated a fortune by his talents and industry. He had a strong love for politics, and was an able campaign speaker. In 1838 he was elected as a Democrat to the State Senate; in 1840 gained great reputation as an orator, while canvassing the State for Van Buren. In 1844 he was the Democratic candidate for Governor, being defeated by 1,000 votes; from 1847 to 1852, he was United States Minister to Brazil, under President Polk's administration; returning to the United States he rendered very effective service in the campaign resulting in the election of President Pierce. In 1860 he was a delegate to the Charleston Convention, was chosen Vice-President of that body, and presided over it when the Southern wing of that body withdrew. In 1861 he was nominated for Governor of Ohio by the Republicans, and elected by a majority of 55,000. His administration, during the most trying times of the war, was zealous, painstaking, and efficient. His continued effort for recruiting the army, his fatherly care and sympathy with Ohio soldiers in the field, and their families at home, his vigorous measures to repel the invasion of the State, are the distinguishing features of an able administration. He died at Youngstown, his birth place, November 13, 1868.



JOHN BROUGH

1864-1865

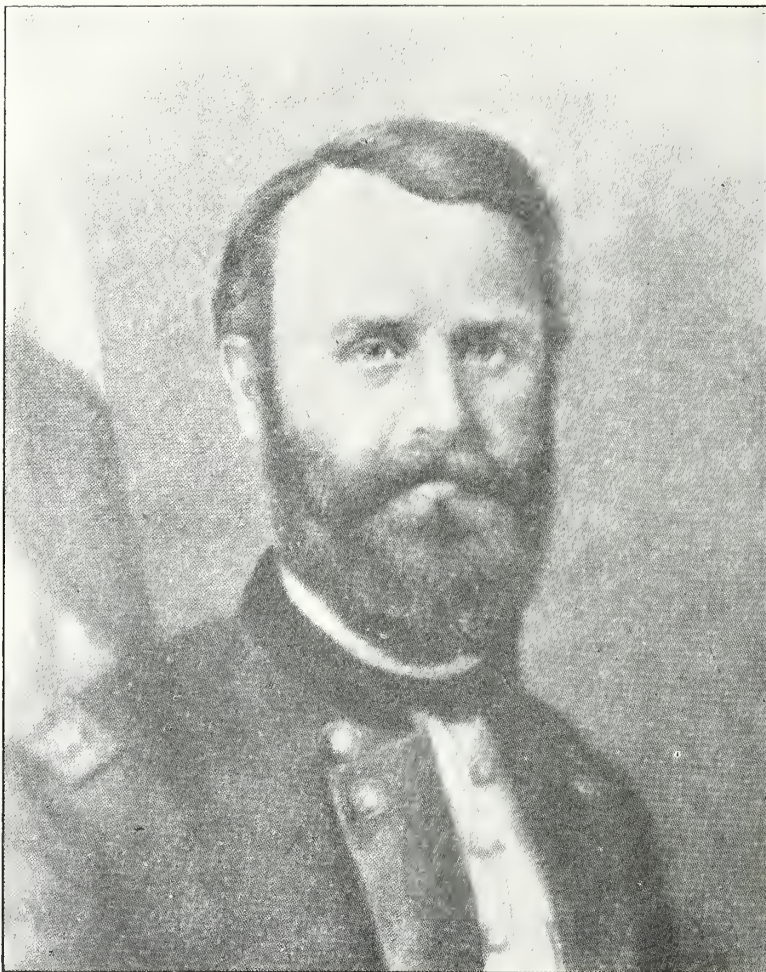
JOHN BROUGH, the last of the three "War Governors of Ohio," was born in Marietta, in 1811. He was the son of an Englishman, who came over in 1806, with Blennerhasset; his mother was a Pennsylvania lady; it was from her he inherited his strong traits of character. He was bred a printer, and to enjoy the benefits of a course of study in Athens College, entered a printing office in Athens. In 1839 he was elected State Auditor. He entered upon the duties of his office at a time when the whole country still felt the effect of the panic of 1837, and when the State of Ohio was peculiarly burdened with liabilities, for which there appeared to be no adequate relief. Mr. Brough devoted himself to reconstructing the whole financial system of Ohio, and retired from office in 1849 with a high reputation as a public officer. When the Civil War was at its height he made a speech at Marietta, declaring slavery destroyed by the act of rebellion, and he was immediately put before the people by the Republican Union as a candidate for Governor, and was elected by the largest majority ever given in any State, up to that time. Governor Brough was a statesman. His views of public policy were broad and catholic, and his course was governed by what seemed to be the best interest of the people, without regard to party expediency or personal advancement. He died in Cleveland in 1865, in the midst of his labors, worn out by his excessive application in the service of his State and country.



CHARLES ANDERSON

1865-1866

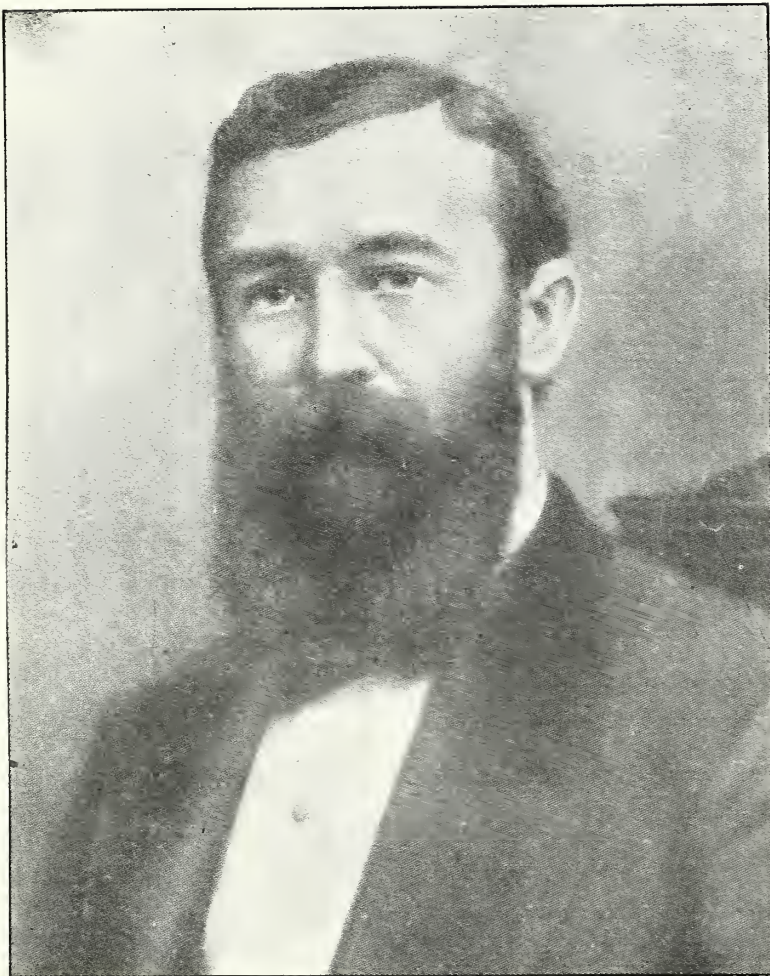
CHARLES ANDERSON was born June 1, 1814, at Soldiers' Retreat, his father's home, nine miles from Louisville, Ky. His father was aide-de-camp to Lafayette. His brother Robert was the Major Anderson commanding Fort Sumter, in April, 1861. Charles Anderson graduated at Miami University, Oxford, Ohio, in 1833. Studied law in Louisville, and was admitted to practice. He removed to Dayton, and September 16, 1835, married Miss Eliza J. Brown, of that city. In 1844 he was elected to the Ohio Senate. His efforts in behalf of the colored race, and for the repeal of the "Black Laws," made him unpopular with his constituency, and at the close of his term he made a tour through Europe. On his return to Ohio he practiced law in Cincinnati for eleven years in partnership with Rufus King. In 1859 he went to Texas, and on November 20, 1860, he addressed a large gathering of people at San Antonio, advocating in the strongest and most pathetic language the perpetuity of the National Union. He received many letters threatening his life, and later was confined as a political prisoner. He escaped to the North, and was appointed Colonel of the Ninety-third O. V. I. He was severely wounded at the battle of Stone River. In 1863 he was nominated and elected Lieutenant-Governor on the ticket with John Brough, and on the death of the latter, succeeded to the office of Governor. He was a man with fine sense of honor, tall and elegant in person, of brilliant qualities, and the ideal gentleman personified. He died at Kuttawa, Ky., September 2, 1895.



JACOB DOLSON COX

1866-1868

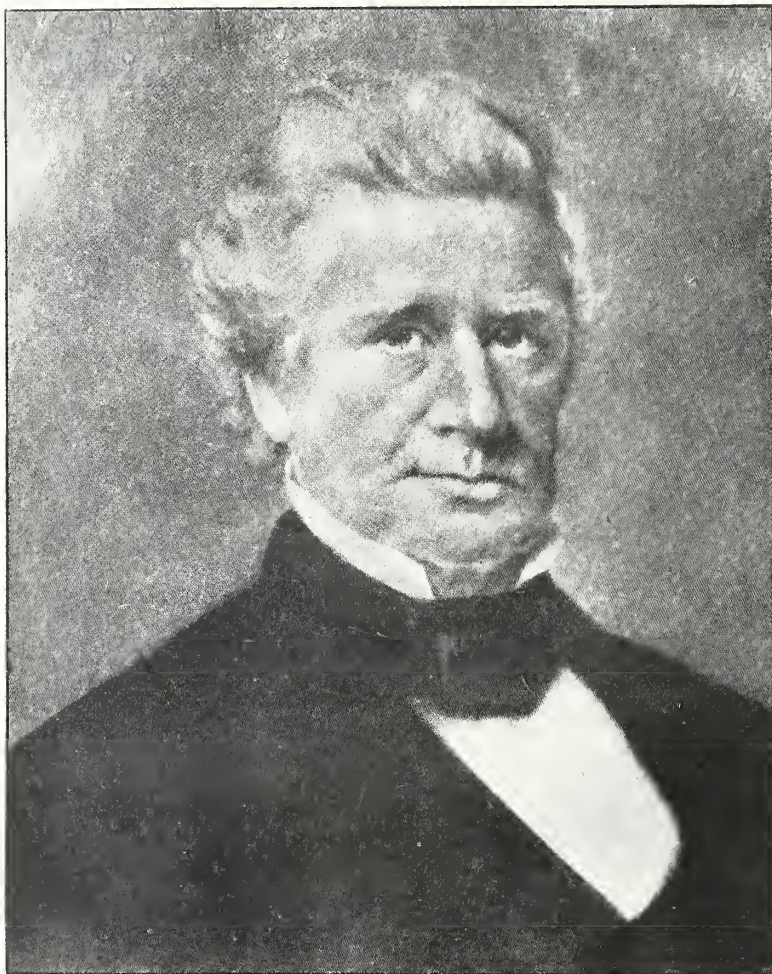
JACOB DOLSON COX was born in Montreal, Canada, October 27, 1828. His parents were natives of the United States, and had but a temporary residence in Canada. The following year his parents removed to New York. In 1846 he entered Oberlin College, graduating in 1851, and in 1852 removed to Warren as Superintendent of the High School, which position he held for three years; in the meantime he studied law, was admitted to the bar and began practice in 1854. In 1859 he was elected to the Legislature, where he was regarded as one of the radical leaders. He was firm in his conviction against negro slavery, but never offensive or disposed to treat his opponents with disrespect. Shortly after this he was commissioned by President Lincoln Brigadier-General of the United States Volunteers. With the assistance of Gen. Rosecranz he laid out Camp Dennison, and was in command there until July 6, 1861, when he was assigned to the command of the "Brigade of the Kanawha," in West Virginia. Later he was assigned to the Army of Virginia, under General Pope. At the battle of South Mountain, when General Pope fell, he succeeded to the command, and shortly after this was commissioned Major-General. On April 16, 1863, General Cox was placed in command of the District of Ohio, also a division of Twenty-third Corps. He served in the Atlanta, Franklin and Nashville campaigns, and fought the battle of Kingston, N. C., March 14, 1865, and then united his forces with General Sherman's army. He resigned from the army after the close of the war to accept the office of Governor of Ohio, and was inaugurated January 15, 1866. From March, 1869, till December, 1870, he was Secretary of the Interior under President Grant, but resigned on account of a disagreement with certain measures of the administration; returning to Cincinnati, he resumed his legal practice. He died at Magnolia, Mass., Aug. 4, 1900.



EDWARD FOLLENSBEE NOYES

1872-1874

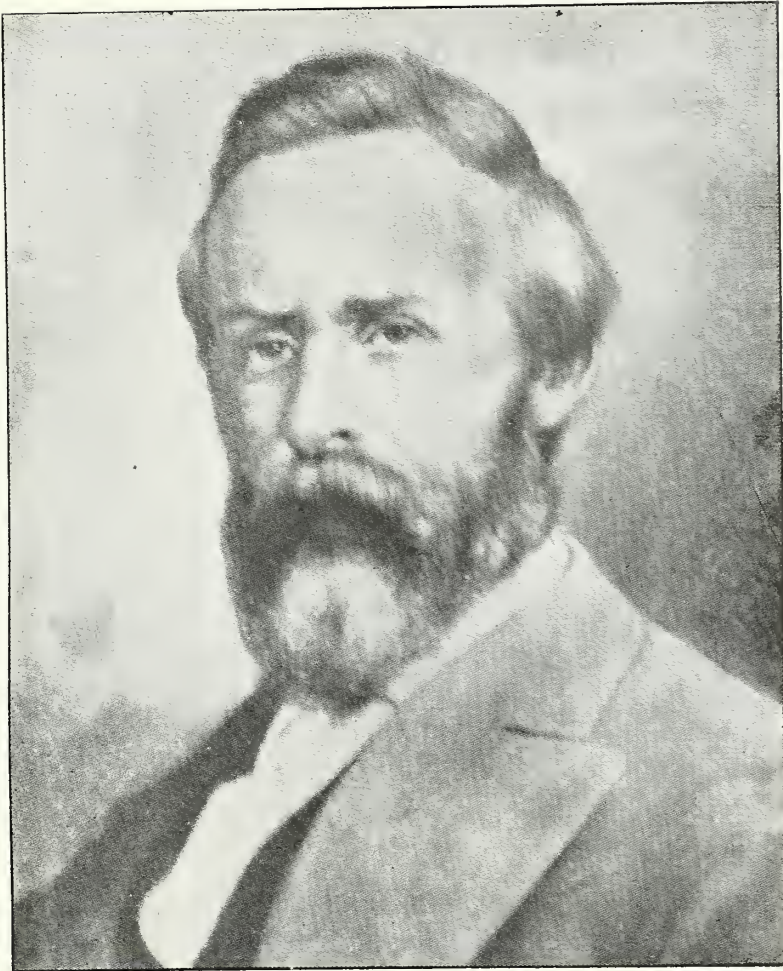
EDWARD FOLLENSBEE NOYES was born in Haverhill, Mass., October 3, 1832, and becoming an orphan, served five years apprenticeship in the office of the Morning Star, a religious newspaper, published at Dover, N. H. He then prepared and "went through" Dartmouth College, graduating near the head of his class, moved to Cincinnati and graduated in the Cincinnati Law School in 1858. When the Civil War broke out he was one of the Literary Club who enlisted. He changed his law office into recruiting headquarters and was commissioned July 27, 1861, Major of the Thirty-ninth Ohio Infantry, and later its Colonel. He was with his regiment in every march and every battle and skirmish in which the command was engaged, until he lost a leg in an assault on the enemy's works at Ruff's Mills, in the Atlanta campaign. While yet on crutches he reported for duty to General Hooker and was assigned to command of Camp Dennison and later was commissioned Brigadier-General. In 1871 he was elected Governor of Ohio. In 1877 he was appointed by his old friend and club mate, President Hayes, Minister to France. During his service there he was sent on a special mission to the East, visiting all the countries that border on the Mediterranean. He resigned in 1881 and resumed his law practice in Cincinnati. He possessed fine oratorical powers and was remarkable for his enthusiastic and cheery disposition. He was so beloved by the soldiers that he induced a larger number of veterans to re-enlist in his regiment than was secured in any other in the National Army from Ohio. He died September 4, 1890.



WILLIAM ALLEN

1874-1876

WILLIAM ALLEN was born in Edenton, N. C., in 1807. His parents dying during his infancy, his sister, the mother of Allen G. Thurman, took charge of his rearing and education. In 1821 Mrs. Thurman removed to Chillicothe, leaving her brother in an academy at Lynchburg, Va. Two years later he followed her and completed his education at Chillicothe. He began the study of law in the office of Judge Scott and completed it with Colonel Edward King, with whom he was associated in a partnership after his admission to practice, when not yet twenty-one years of age. He was tall and impressive in appearance, with a powerful voice, so penetrating that he was given the sobriquet of "Ohio gong." In 1832 he was elected to Congress by the Democrats, by a majority of one. He was the youngest man in the Twenty-third Congress, but was recognized as a leading orator and made a strong impression in a speech on the Ohio boundary question. In August, 1837, he made a strong speech at a banquet in Columbus, which unexpectedly led to his nomination to the Senate, to succeed Hon. Thomas Ewing. Before the close of his first term he was re-elected to the Senate. In August, 1873, Senator Allen was elected Governor of Ohio, being the only candidate on his ticket not defeated. He was renominated in 1875 by the Democrats, but was defeated on the "green-back" issue by R. B. Hayes. Governor Allen died at "Fruit Hill" in 1879.

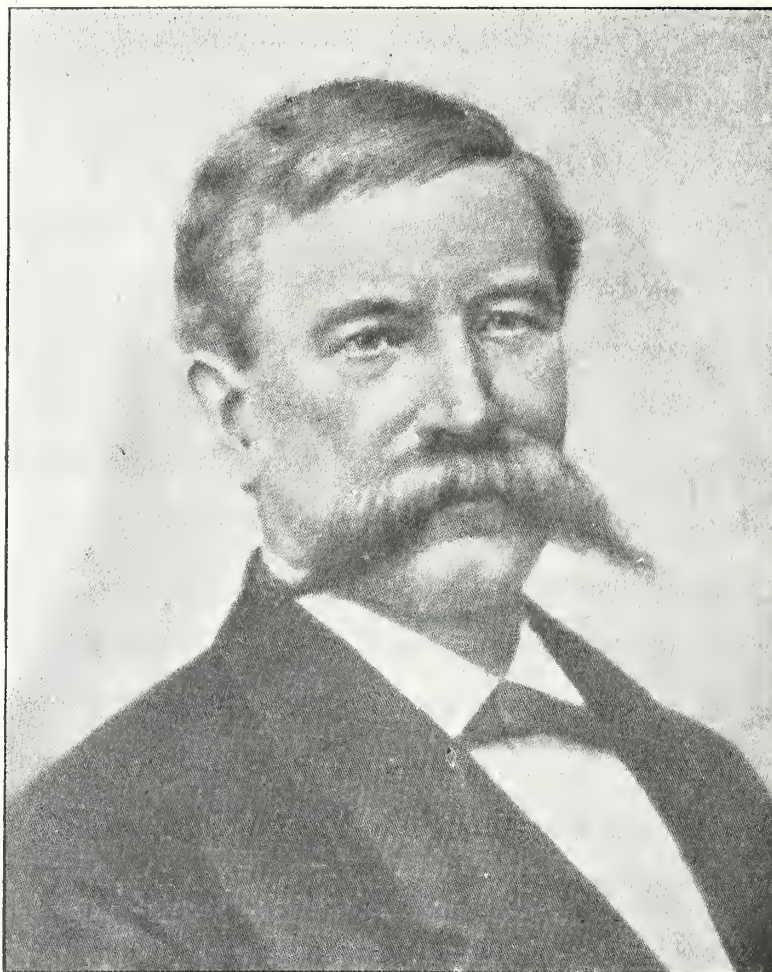


RUTHERFORD B. HAYES

1868-1872

1876-1877

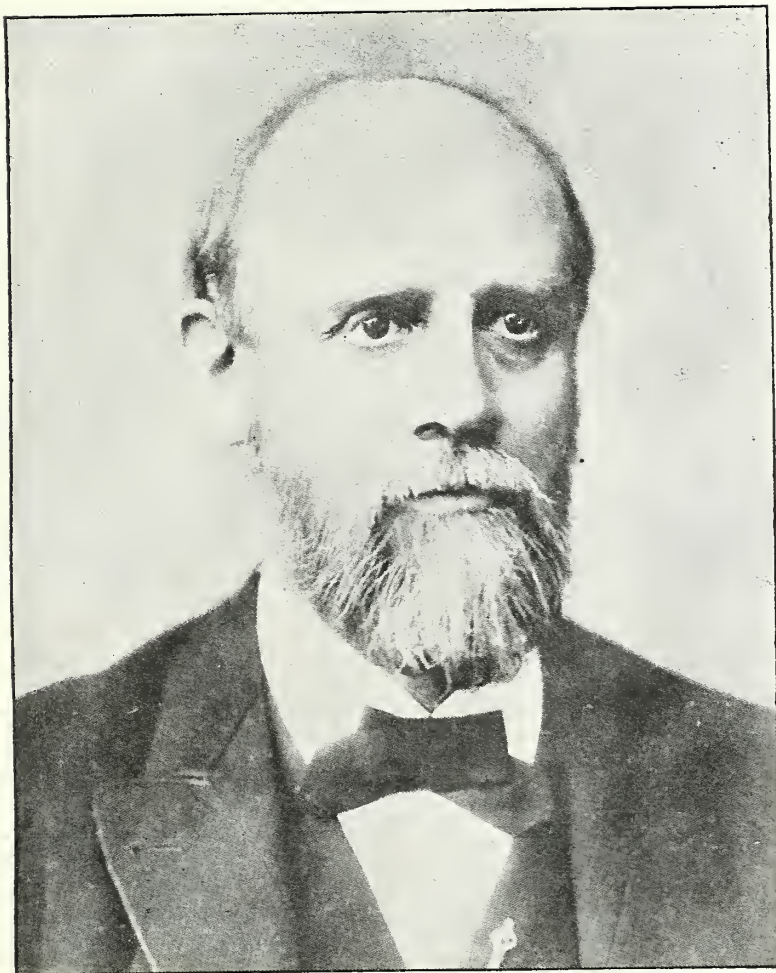
RUTHERFORD B. HAYES was born in Delaware, Ohio, October 4, 1822. His parents, Rutherford and Sophia Hayes, came to Ohio in 1817, from Windham County, Vermont. He received his early education in common schools, attended an academy at Norwalk, Ohio, and in 1837 went to Isaac Webb's school at Middletown, Conn., to prepare for college. In 1842 he graduated at Kenyon College, valedictorian of his class. He studied law with Thomas Sparrow, of Columbus, Ohio, was graduated at the Law School of Harvard University in 1845. On May 10, 1845 he was admitted to the bar at Marietta, Ohio, and began practice at Lower Sandusky (now Fremont), where in April, 1846, he formed a partnership with Hon. Ralph P. Buckland. At the outbreak of the war he was elected Captain of the military company formed from the celebrated Cincinnati Literary Club. In June, 1861, he was appointed Major of the Twenty-third O. V. I. General Hayes' very gallant and meritorious military career has been overlooked in the prominence given his political life; an examination of his record in the army shows that such brave, gallant and able service has rarely been equaled, even in the annals of the late war. In August, 1864, while General Hayes was in the field, he was nominated by a Republican District Convention, in Cincinnati, as a candidate for Congress. He was elected by a majority of 2,400. In 1866 he was re-elected to Congress. In 1867 he was the Republican candidate for Governor of Ohio, and elected over Judge Thurman. In 1875, notwithstanding his well known desire not to re-enter public life, he was again nominated Governor of Ohio, and although he first declined the honor, he was subsequently induced to accept, and after a hard fought canvass was elected over William Allen. This contest, by reason of the financial issue involved, became a national one, and was watched with interest throughout the country, and as a result he was nominated for the Presidency on the seventh ballot of the National Republican Convention, which met at Cincinnati, June 14, 1876. The administration of President Hayes, although unsatisfactory to the machine politicians, was a wise and conservative one; meeting with the approval of the people at large. By the withdrawal of the Federal troops, and restoration of self-government to the Southern States, prepared the way for a revival of patriotism and the remarkable material development that has since ensued. Governor Hayes, soldier, statesman and philanthropist, died at Fremont, Ohio, January 17, 1893.



THOMAS LOWRY YOUNG

1877-1888

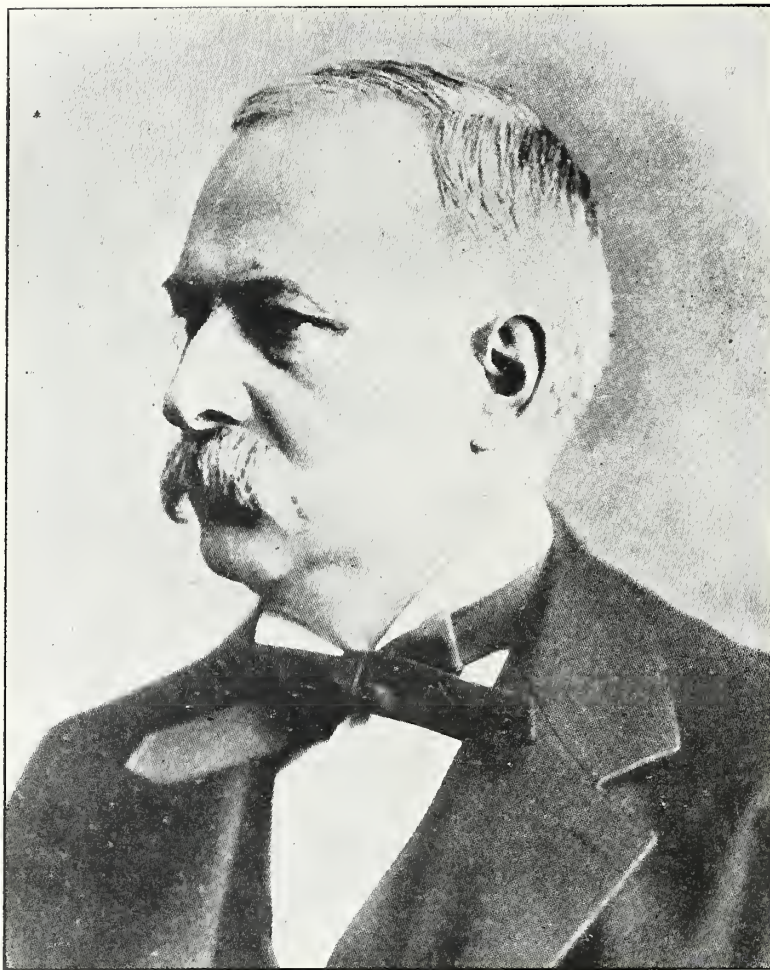
THOMAS LOWRY YOUNG was born at Killyleagh, Ireland, December 4, 1832. With his parents he landed in this country, at the age of twelve, and at sixteen enlisted in the regular army, serving ten years and retiring as orderly-sergeant. Soon after he removed to Cincinnati. In 1861 he was commissioned captain in General Fremont's Body Guard and served until January, 1862, when the guard was disbanded. In August, 1862, he recruited a company for the 118th Ohio Infantry. He rose to be Colonel and served until September, 1864, when he was honorably discharged on account of sickness. At the battle of Resaca, Colonel Young led the charge on the enemy's center, his regiment losing in a few minutes 116 out of 270 men engaged. For this and other acts of gallantry, he was brevetted Brigadier-General. He studied law and was admitted to the bar in April, 1865, and in October was elected a representative to the Ohio Legislature, serving two years. In 1871 he was chosen State Senator for one term. In 1875 he was elected Lieutenant-Governor, and March, 1877, became Governor, when Rutherford B. Hayes assumed the presidency. Governor Young's rise from obscurity of an emigrant boy to the governorship of a great State, is a high tribute to American Institutions, as well as to his own integrity in civil life and unflinching courage as a soldier. He died at Cincinnati, Ohio, July 20, 1888.



GEORGE HOADLEY

1884-1886

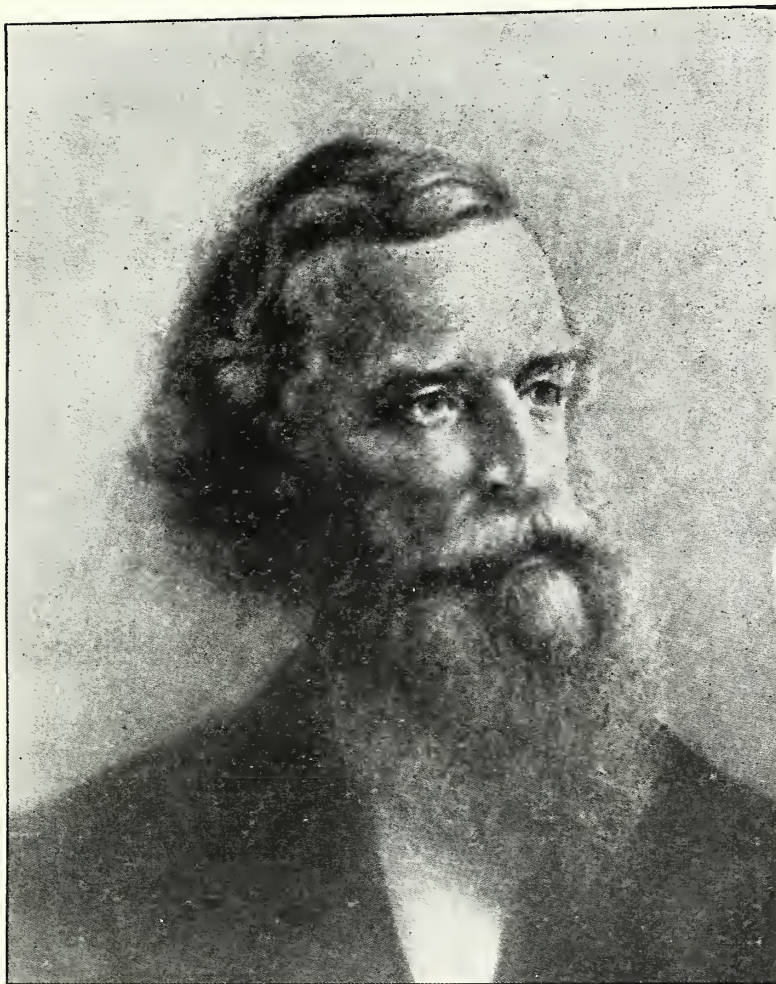
GEORGE HOADLEY was born at New Haven, Conn., July 31, 1825. He is one of the old Jonathan Edwards stock; his great grandmother, Mary Edwards, who married Major Timothy Dwight, was a daughter of the great divine. George Hoadley graduated at Western Reserve College and Harvard Law School, and in 1849 became a partner in the law firm of Chase and Ball, Cincinnati. In 1851, at the age of twenty-five, he was elected a Judge of the Superior Court of Cincinnati, and was City Solicitor in 1855. In 1858 he succeeded Judge Gholson on the bench of the new Superior Court. His friend and partner, Gov. Salmon P. Chase, offered him a seat on the Supreme Court Bench, which he declined, as he did also in 1862, a similar offer made by Governor Tod. In 1866 he resigned his place in the Superior Court and resumed legal practice. He was an active member of the Constitutional Convention of 1873-74, and in October, 1883, was elected Governor of Ohio, defeating Joseph B. Foraker, by whom he was in turn defeated in 1885. During the Civil War he became a Republican, but in 1876 his opposition to a protective tariff led him again to affiliate with the Democratic party. He was one of the counsel that successfully opposed the project of a compulsory reading of the Bible in the public schools, and was leading counsel for the assignee and creditors in the case of Archbishop Purcell. He was professor in the Cincinnati Law School in 1864-1887, and for many years a trustee in the University. In March, 1887, he removed to New York and became the head of a law firm. He died at Watkins, New York, August 26, 1902.



JOSEPH BENSON FORAKER

1886-1890

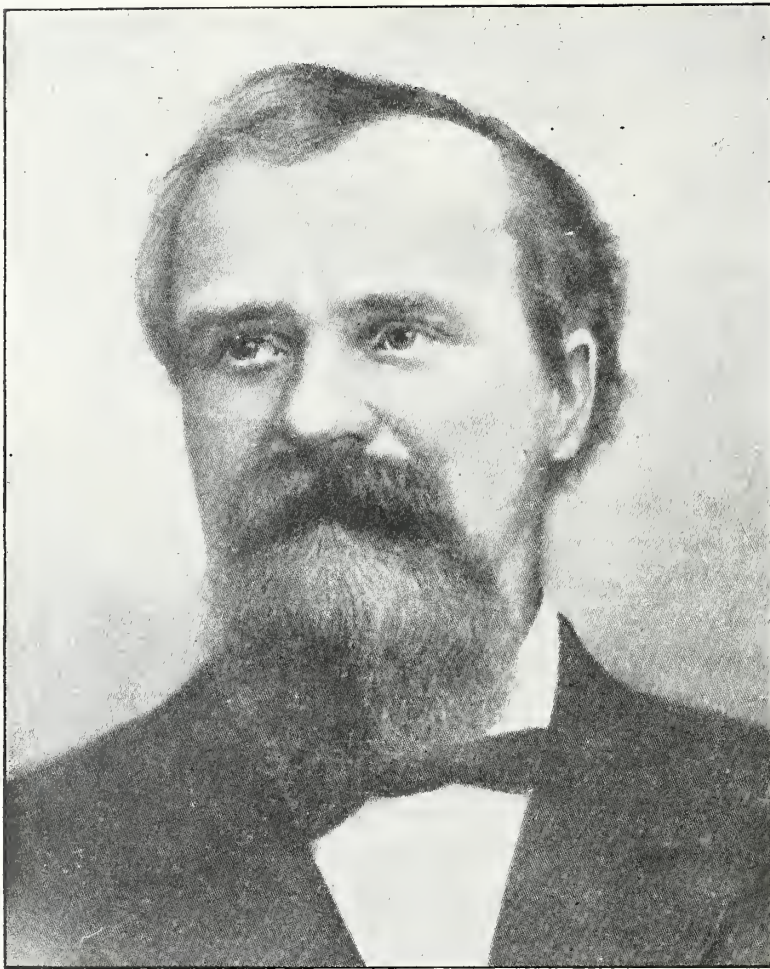
JOSEPH BENSON FORAKER was born July 5, 1846, in a log cabin, about one mile north of Rainsboro. His ancestors came to Ohio from Virginia and Delaware on account of distaste of slavery. Bred on his father's farm, he assisted him on the farm, and the grist and saw mill thereon. At the age of sixteen he enlisted in the Eighty-ninth Ohio Infantry, and distinguished himself wherever duty called him. He was made Sergeant in August, 1862; First Lieutenant in March, 1865; was breveted Captain "for efficient services." He was at the battle of Missionary Ridge, Kennesaw Mountain, Lookout Mountain, and was with Sherman on his march to the sea. He was mustered out of the army, after a brave and brilliant service, when but nineteen years of age. After the war he spent two years at the Ohio Wesleyan University, Delaware, Ohio, and thence went to Cornell University. He graduated there July 1, 1869. In 1879 he was elected Judge of the Superior Court, of Cincinnati, which position he held for three years. In 1883 he was nominated for Governor, but was defeated by Judge Hoadley, the Democratic candidate. He was re-nominated, and re-elected in 1887. In 1889 he was again re-nominated, but was defeated by the Democratic candidate, James E. Campbell, of Butler County. His administrations have been marked by a brave and conscientious execution of all duties that are made his under the law. As an orator, for fearless and passionate eloquence, he has no superior in the State. He was elected to the United States Senate in 1897, and re-elected in 1903; his marked ability as a leader and statesman is unquestioned. He has several times been mentioned, prominently, in connection with the Presidency.



RICHARD MOORE BISHOP

1878-1880

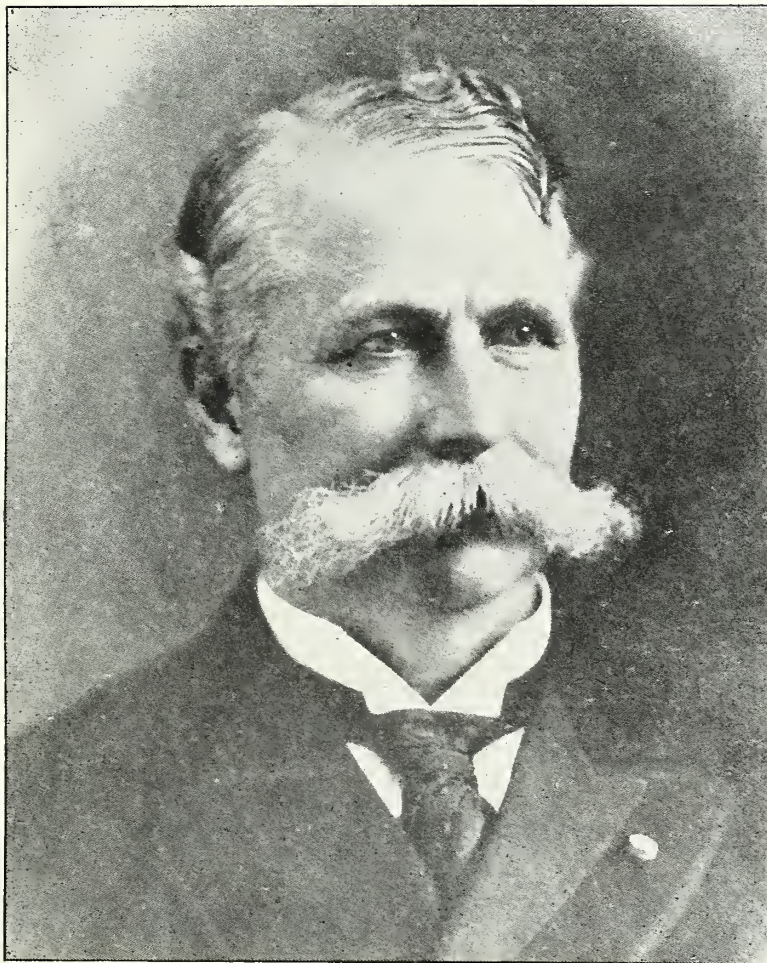
RICHARD MOORE BISHOP was born in Fleming County, Kentucky, November 4, 1812. After a fair common school education, he entered into mercantile pursuits in his native county. In 1847 he removed to Cincinnati, where later he became a senior member of the wholesale firm of R. M. Bishop & Co. In April, 1857, Mr. Bishop took his seat as a member of the City Council, and in the following year was elected President of that body. This was followed in 1859 by his election as Mayor. He was a member of the Constitutional Convention and for many years one of the Trustees of the Cincinnati Southern Railroad. It was largely through his acquaintance and popularity in Kentucky and Tennessee that the rights of way were secured for the great outlet, which was so essential to the prosperity of Cincinnati. In 1877 the Democratic party nominated him to lead a forlorn hope for the governorship. At that time he was sixty-five years of age, but in perfect health and vigor. It was on his part a great "handshaking" campaign, which resulted, much to the surprise of his opponents, in success by a large plurality. He served but one term, retiring with the respect and esteem of the people of the State. Governor Bishop died at Jacksonville, Fla., March 2, 1893.



CHARLES FOSTER

1880-1884

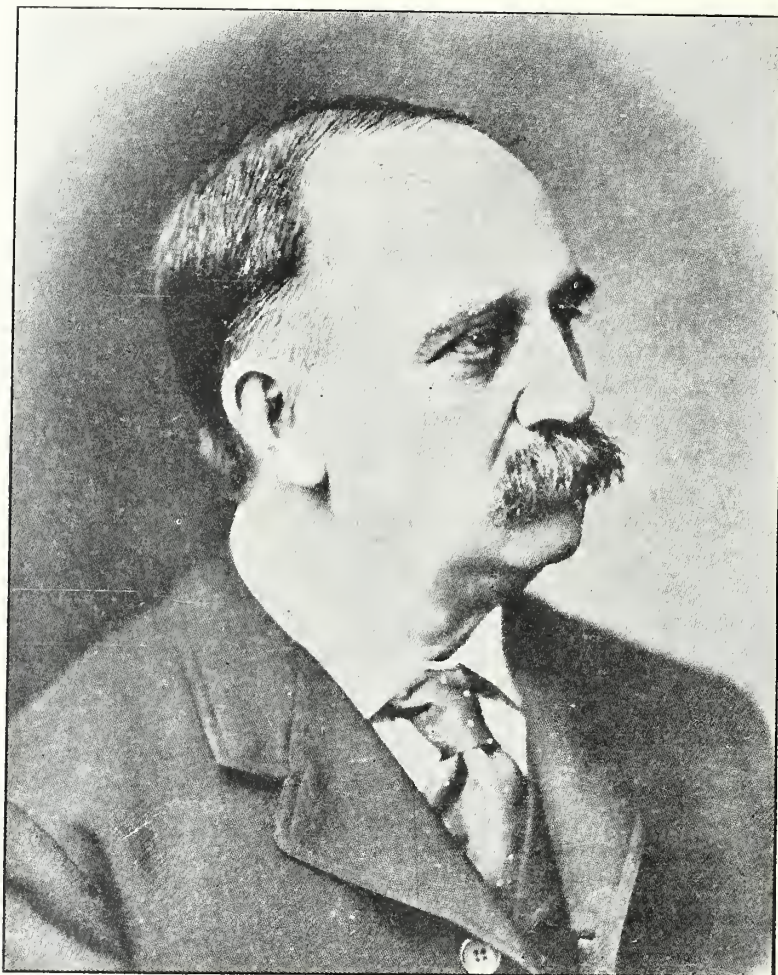
CHARLES FOSTER was born in Seneca County, Ohio, April 12, 1828. His parents were from Massachusetts. He received a common school education and engaged in business pursuits in the early part of his life. In 1870 he was elected to Congress and served for eight years, although his district was politically very strong against him. While in Congress he was noted for the straightforward and businesslike view that he took of all measures. He was one of the Republican leaders of that body. He was not the politician, but the business man, honest, able and courageous. The Republican Party, in 1879, nominated him for Governor and he was elected. Two years later he was re-elected. He administered State affairs with great success. He took advanced ground on taxing the liquor traffic and his party—in fact the entire people of Ohio—have endorsed his views. After his time expired as Governor he returned to Fostoria, devoting his attention to business affairs. His was phenomenal individuality—one that has illustrated that a man can be Governor of this great State and at the same moment "Charlie" to everybody in it. Being born in Fostoria when all around was woods, growing up with the people, ever manifesting a cheerful, generous helping spirit, his life illustrates the fraternal idea; so the humblest individual of his home community rejoice that he is one of them.



ASA SMITH BUSHNELL

1896-1900

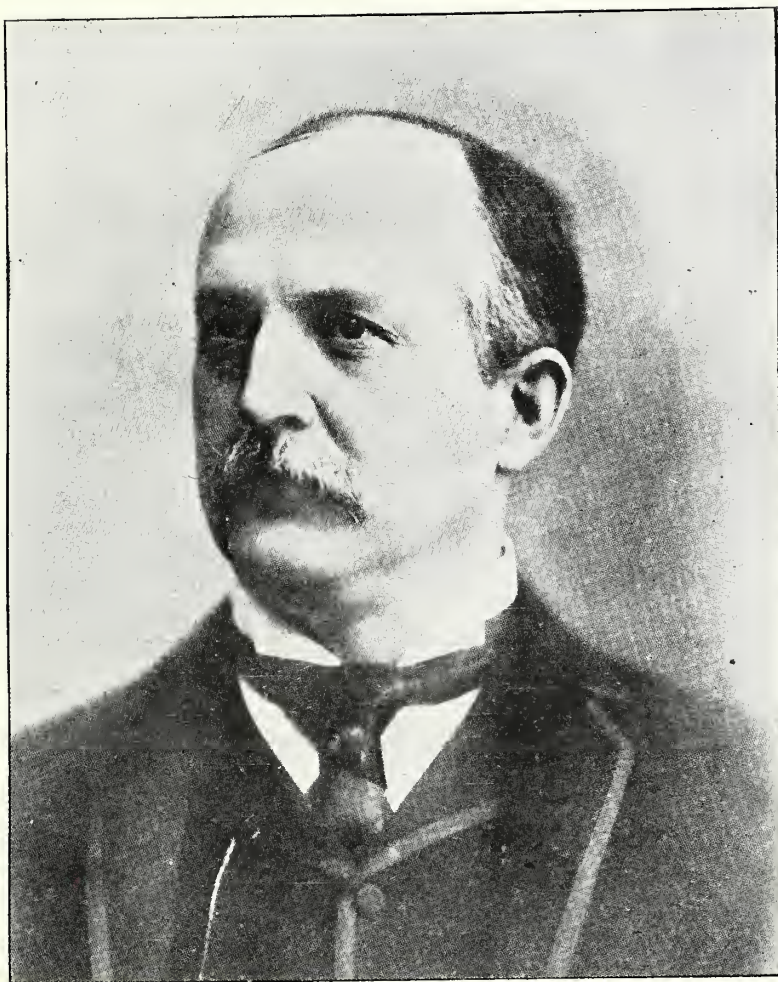
ASA SMITH BUSHNELL, of Springfield, was born at Rome, N. Y., on September 26, 1834. His grandfather, Jason Bushnell, was a Revolutionary soldier who saw much service. His great-uncle, William Bushnell, was one of the forty-eight who made the first settlement at Marietta, and the stone table commemorating that event bears his name. His father, Daniel Bushnell, removed to Cincinnati in 1845, and in 1851 the future Governor removed to Springfield, where he resided up to the time of his death. In all these years he was engaged in active business, continually rising in influence and growing in wealth. During the Civil War Governor Bushnell served as a Captain in the One Hundred and Fifty-seventh Ohio Infantry. In politics he was always an ardent Republican, contributing freely in time and money. He served the State as Quartermaster-General during both of Governor Foraker's administrations, and in 1887 declined a unanimous nomination for Lieutenant-Governor. In 1895 he was elected Governor of Ohio by the largest plurality ever given, except in the darkest days of the Civil War, and was re-elected in 1897. He was an officer in the Episcopal Church, and was noted for his many charities, especially for a donation of \$10,000 to the Masonic Home, which procured its location at Springfield. He was an enthusiastic Grand Army man, and a Thirty-third degree Mason.



GEORGE KILBON NASH

1900-1904

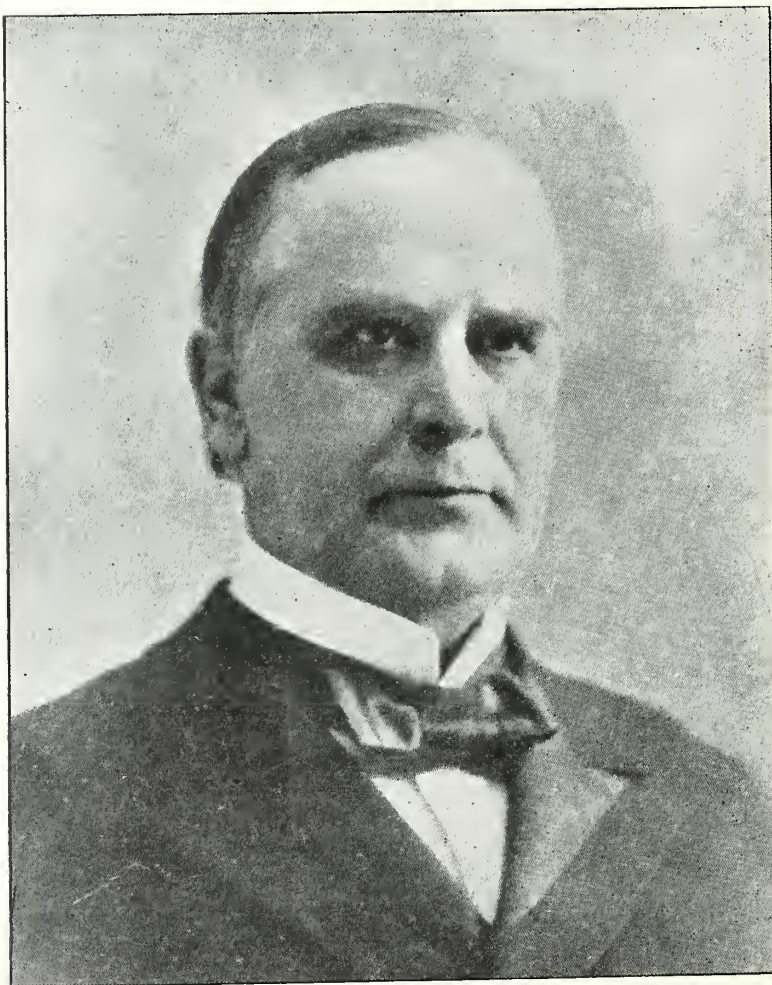
GEORGE KILBON NASH was born in Medina County, Ohio, August 14, 1842, and spent his early years on a farm. His parents were of sturdy New England stock. He entered Oberlin College in 1862, but in his sophomore year left to enlist as a private in the One Hundred and Fiftieth Ohio Infantry. After the war he went to Columbus and taught school and studied law, until his admission to the bar in 1867. He was Prosecuting Attorney of Franklin County from 1871 to 1875, and Attorney-General of the State from 1880 to 1883, when he was appointed upon the Supreme Court Commission (an adjunct to the Supreme Court, and with similar jurisdiction), created by a constitutional amendment. Judge Nash was several times Chairman of the Republican State Committee, and always active in State and National politics. He was elected Governor of Ohio in 1899, and re-elected in 1901. Governor Nash had two of the most laborious administrations in the history of the State. By a decision of the Supreme Court, the entire municipal system had to be re-organized. The Governor, after much study and toil, formulated a plan, which was enacted by the General Assembly on October 22, 1902, at an extraordinary session, called for by him for that purpose.



JAMES EDWIN CAMPBELL

1890-1892

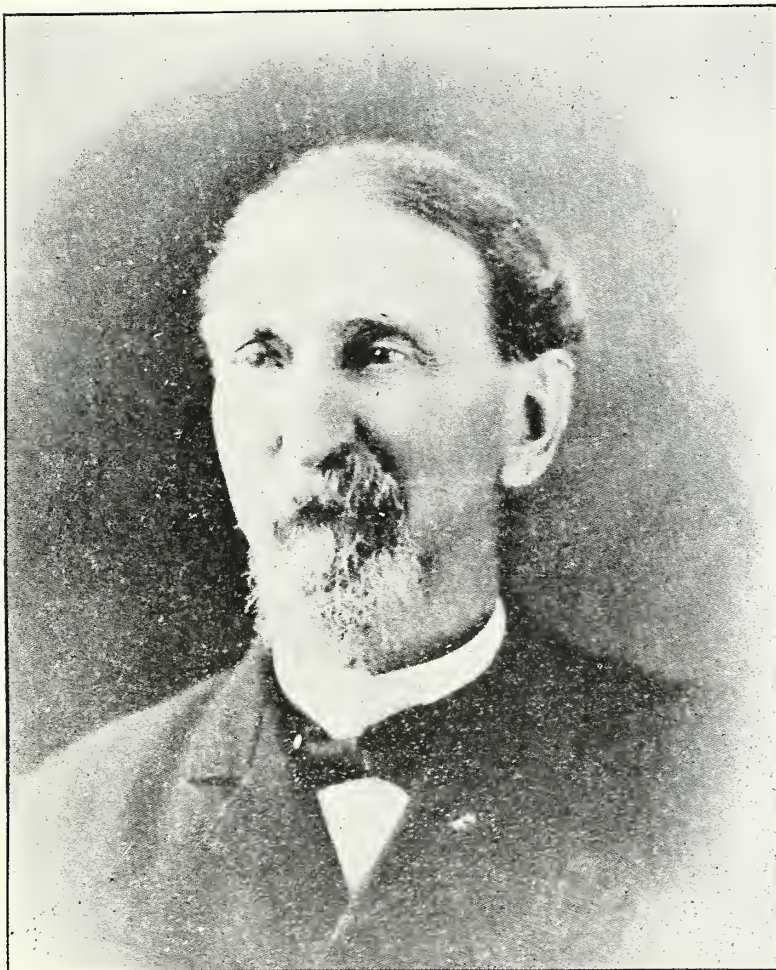
JAMES EDWIN CAMPBELL was born at Middletown, Ohio, July 7, 1843. He was the son of Dr. Andrey and Laura Campbell, and grandson of Samuel and Mary Campbell. He received an academic education, and served in the United States Navy, enlisting in 1863, and taking part in the Mississippi and Red River Expedition in the Civil War, after which he taught school to raise money for the prosecution of his legal studies. He was admitted to the bar, and began the practice of his profession in Hamilton County, Ohio. In 1876, he was elected Prosecuting Attorney of Butler County, Ohio, and held the office four years. In 1882, he was elected on the Democratic ticket as a Representative to the Forty-eighth Congress and was re-elected to the Forty-ninth and Fiftieth. In 1889, he was elected Governor of Ohio, defeating Joseph B. Foraker, after an exciting canvass. As Governor he called an extraordinary session of the Sixty-ninth General Assembly October 14, 1890, to consider the affairs of the City of Cincinnati, and the act that passed, reorganizing the municipal government, was subsequently declared unconstitutional by the Supreme Court. In 1891 he was defeated in the gubernatorial canvass by William McKinley, although he ran 9,000 votes ahead of the ticket. He was again defeated by Asa S. Bushnell in 1895.



WILLIAM McKINLEY

1892-1896

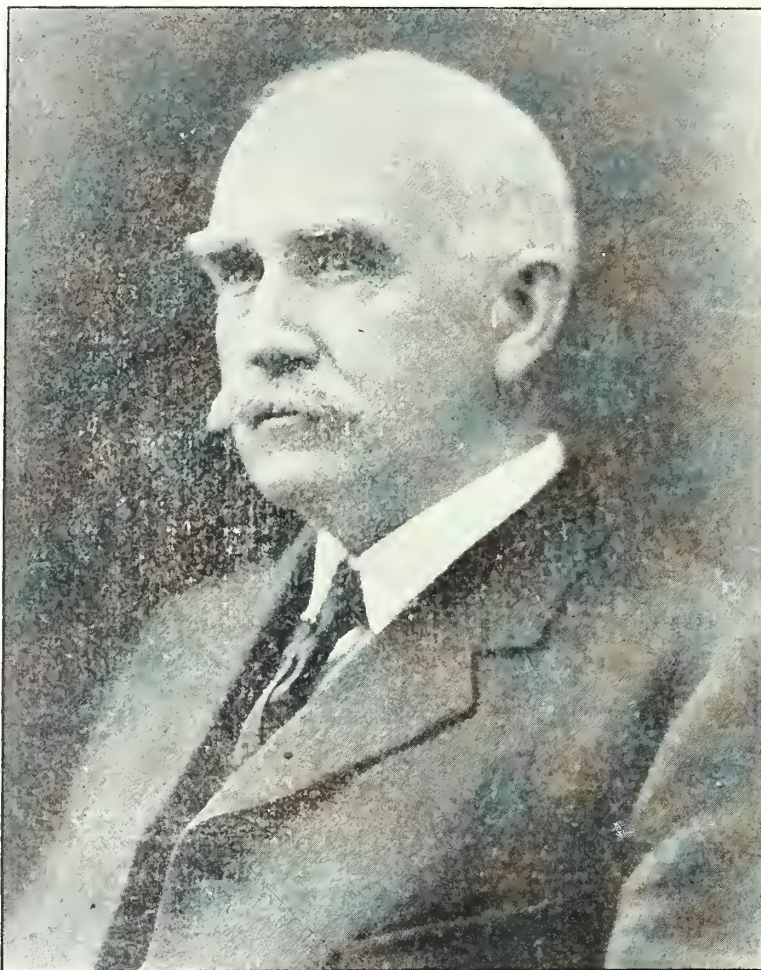
WILLIAM McKINLEY was born at Niles, Ohio, January 29, 1843. He came from Scotch-Irish ancestry, and his grandfather, John McKinley, was a Revolutionary soldier. After receiving a common school and partial college education, he taught school, and clerked until the war broke out, when he enlisted as a private in the Twenty-third Ohio Infantry. Advancement came frequently and deservedly, and he was mustered out with rank of Major. He was in all respects a typical American soldier, just as throughout his long and successful career he was a typical American citizen. After attending Albany Law School he removed to Canton, and served the County of Stark for one term as Prosecuting Attorney. Engaging actively in politics, he was sent to Congress for fourteen years, during all of which time he held a high place in the councils of his party. He was, above all things and beyond everybody else, the champion of a protective tariff, and in the Fifty-first Congress (the last he served in), he succeeded in passing a tariff bill to his entire satisfaction, and that tariff has gone into history, indelibly associated with his name. In 1891 he was elected Governor, and re-elected in 1893. He was elected President of the United States in 1896, and re-elected in 1900, by majorities unprecedented in our history. He held this great office during the Spanish, Filipino and Chinese Wars, when history was rapidly making; when the trade relations of the whole world were revolutionized, and when prosperity of the country resulting therefrom had gone far beyond his fondest expectations. In the midst of all, and while at the apex of his career he fell by the hand of an assassin, at Buffalo, New York, September 14, 1901. He died as one might wish to die, when all the world spoke his praise; when he had many friends and no enemies; when his past was a monument of glory, and when, to him, the Christian of childlike faith, the future was secure.



ANDREW L. HARRIS

1906-1908

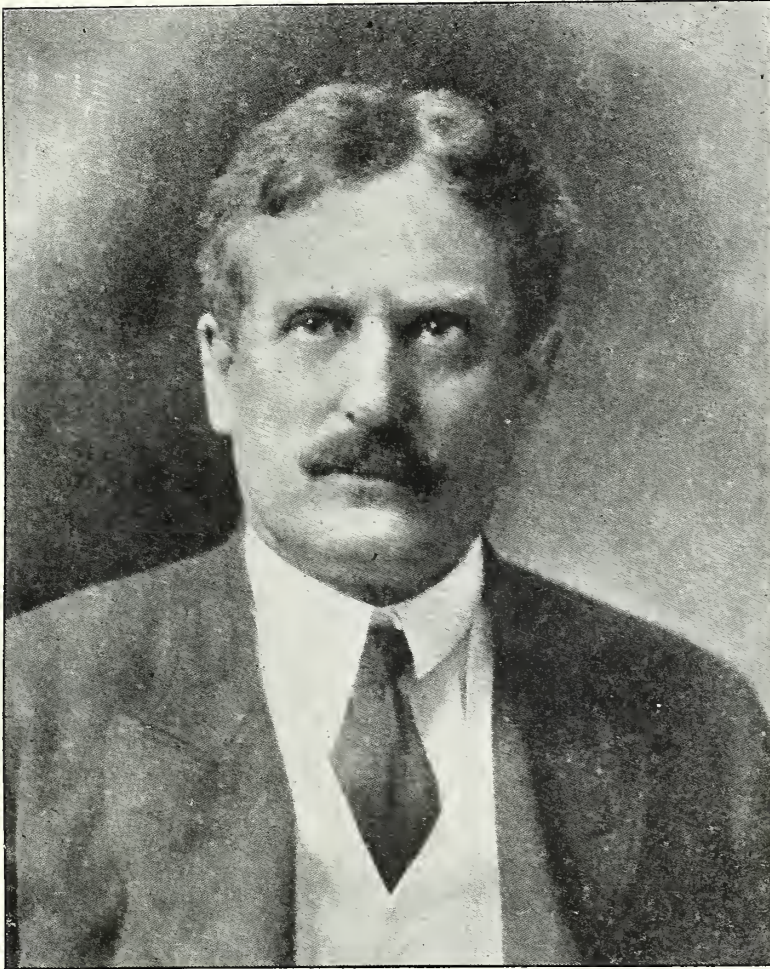
ANDREW LINTER HARRIS, of Eaton, was born on a farm in Butler County, Ohio, November 17, 1835, graduated at Miami University in 1860, enlisted as a private soldier in April, 1861, and was mustered out in 1865, as a brigadier general. He practiced law until 1875, and was Probate Judge of Preble County until 1882. He served in the Ohio Senate 1865-7, and in the House of Representatives 1885-9. He was a member of the National Industrial Commission 1898-1902. He was Lieutenant Governor when McKinley was Governor, 1892-6, and was elected lieutenant governor for the third time in 1905. On the death of Governor Pattison in June, 1906, he became Governor of Ohio. In 1908 he received the Republican nomination for Governor without opposition. While his record in the Civil War is one of the most heroic, he has also distinguished himself in civil life. He prepared that part of the report of the National Industrial Commission relating to agriculture, and was prominent in shaping state legislation while serving in both branches of the legislature, and as the presiding officer of the Senate. His record as the chief magistrate of the State is well known for his reforms in the State institutions, and for his constant attention to the interests of the State, in which he has been notably successful. Governor Harris came into the gubernatorial office with extensive and varied experience in State affairs. With his special qualifications and his unusual application and close attention to official business, he has done much good service—not in any one thing alone, but in all the departments and different lines of official duty.



JUDSON HARMON

42 Governor of Ohio, 1908-1910

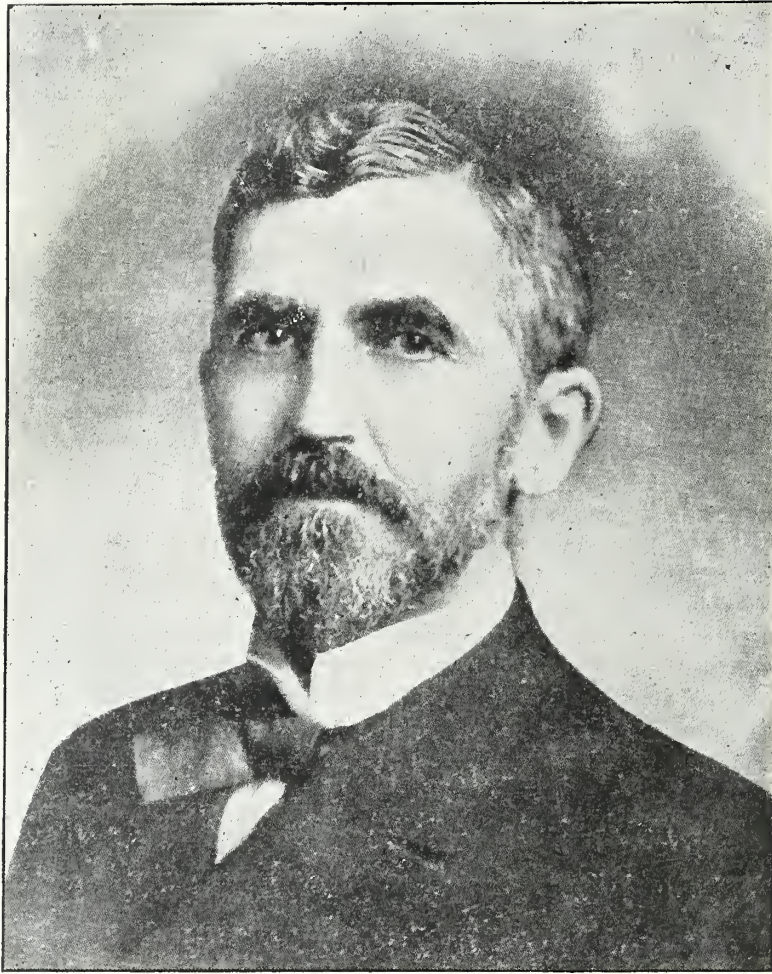
JUDSON HARMON, born in Hamilton County, Ohio, February 3rd, 1846, graduated from the Baptist College of Granville, Licking County, in 1886, which college afterward honored him with the degree of L.L. D. In 1889 he graduated from the Cincinnati Law School. When 30 years of age he was elected a judge of the Common Pleas Court of Hamilton County, from 1876 to 1887 he was judge of the Superior Court of Cincinnati, in 1889 he was attorney general under Cleveland. He was a candidate before the Democratic Convention in Baltimore in 1912 for the nomination for President, but was defeated by Woodrow Wilson.



MYRON T. HERRICK

1904-1906

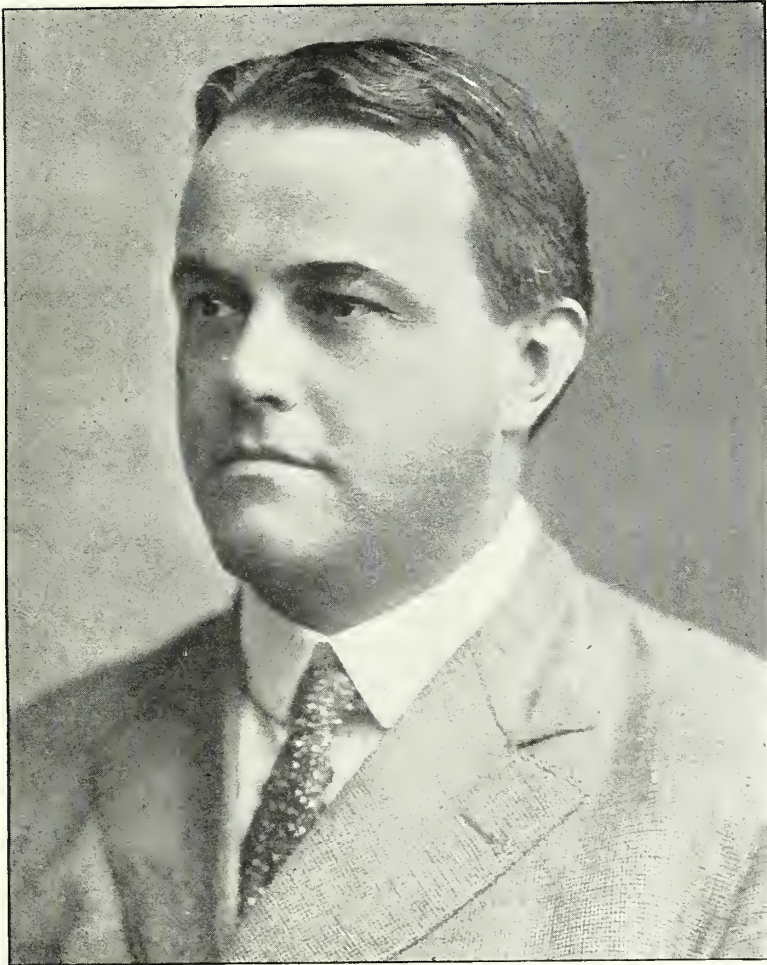
MYRON T. HERRICK was born at Huntington, Lorain County, Ohio, on the 9th of October, 1854; the son of Timothy R. and Mary L. Herrick. His father came from a Massachusetts family of Colonial origin. His grandfather, Timothy Herrick, was one of the pioneers of Lorain County, Ohio, and was a soldier in the second war with England. Timothy R. Herrick, Governor Herrick's father, was born in Watertown, N. Y., in 1828. Governor Herrick was educated in the District School at Huntington; the Union Schools at Wellington, Ohio, and later on attended college at Oberlin, and at the Ohio Wesleyan University at Delaware, Ohio. In 1899, the emeritus degree was conferred upon him by the Ohio Wesleyan University. Governor Herrick came to Cleveland in the year 1875. He entered the law office of J. F. and G. E. Herrick, and was admitted to the bar in 1878. Mr. Herrick was a successful lawyer, and latterly became well-known as a business man and financier of ability. He is today recognized as one of the leading and most successful bankers in the country. He is at present the Chairman of the Executive Council of the American Bankers Association. In addition to the many financial interests, Governor Herrick is interested in various manufacturing, industrial and building enterprises in Cleveland, and the city has in many ways profited by the energy and public spirit which he has displayed. Governor Herrick's first vote was cast for President Rutherford B. Hayes, and he has ever since remained a Republican. He was a member of the Cleveland City Council in 1885, and accepted re-election at the close of his first term of office. He has always taken an active interest in political issues, local and national. He was a delegate to the National Convention of 1888, 1892, 1896 and 1904, and the elector-at-large for Ohio in 1900. He is at present a member of the Republican National Committee, and of its Advisory Committee. Under President McKinley, he was offered the United States Treasurership, and later the United States Ambassadorship to Rome, but both of these were declined. He was also offered the Ambassadorship to Rome by President Roosevelt, but again he declined. In 1893 he was a member of the Electoral College, and served as Chairman of the preliminary session when McKliney was nominated for Governor of Ohio. He was appointed by Governor McKinley as a member of his special staff. In 1886 he was elected Secretary and Treasurer of the Society for Savings; and in 1894, upon the death of the President, Samuel H. Mather, he succeeded him to the office of President, which he still occupies. He became a candidate in 1903, for the office of Governor of the State of Ohio, and received the marked honor of being selected as the unanimous choice of the convention—the second instance of the kind in the history of the State; William McKinley being the other candidate for Governor, to receive this recognition—and he was elected Governor of the State by a majority greater than that ever given a candidate for that office in Ohio. He served as ambassador to France during the administration of Wm. H. Taft and was defeated at the polls in 1916 by Atlee Pomerene for the United States Senate.



JOHN M. PATTISON

1906-1908

JOHN M. PATTISON was born at Boston, Clermont County, Ohio, June 13, 1849. His father, William Pattison, was a farmer of Buckeye birth, but his grandfather came from Kentucky, and his great grandfather from Pennsylvania; his mother was Mary Duckwall Pattison. As a boy, Governor Pattison worked upon the farm and served as a clerk in his father's country store. The parental roof being but a few miles from the boyhood home of General Grant, the Civil War caused more than ordinary excitement, and at sixteen years of age young Pattison enlisted in Company I of the 153d Ohio Volunteers, serving his country until honorably discharged. Entering Ohio Wesleyan University at Delaware, he worked his way through by teaching and laboring in the harvest fields. At Delaware, both Vice-President Fairbanks and Senator Foraker were his college-mates. Being graduated in 1869, Mr. Pattison's first work was in the life insurance business at Bloomington, Ill., representing the Union Central of Cincinnati. In the meantime studying law, in 1872 he removed to Cincinnati and was admitted to the bar. For nine years he practiced law his partner being Judge Alfred Yaple. In 1881 Mr. Pattison was elected Vice-President and General Manager of the Central Life Insurance Co., and ten years later succeeded to its presidency. He was a member of the Ohio Senate and House of Representatives, and from 1890 to 1892 served in the National House of Representatives. Governor Pattison was a Mason and a member of the Methodist Episcopal Church, being one of the Board of Trustees of his Alma Mater, the Ohio Wesleyan University. His home was at Milford, Clermont County, Ohio, near Cincinnati, where he resided for more than twenty-five years. He was elected Governor of Ohio, November 7, 1905, on the Democratic ticket, his inauguration occurring January 8, 1906. He died at his home in "Promont," Milford, Clermont County, Ohio, June 18, 1906.



FRANK BARTLETT WILLIS

1915-1916

FRANK BARTLETT WILLIS was born in Lewis Center, Delaware County, Ohio, December 8, 1871. Graduated at the Northern Ohio University, Ada, Ohio, in 1893, as bachelor of Arts and as Master of Arts 1904, and as L. L. B. in 1906. Was professor of history and economics 1894-1906 in his Alma Mater and professor of law there in 1906 and admitted to practice law in 1906. Was a member of the Ohio House of Representatives for two terms, 1900-4 and was a member of Congress 1911-13 from the 8th Ohio district. He was elected Governor of Ohio in November 1914, defeating James M. Cox by about 25,000 votes. He was renominated by his party and made the campaign of 1916 again against James M. Cox but was defeated by about 5,000 votes, running 25,000 votes ahead of Chas. E. Hughes, the republican candidate for president. His administration was marked by a rigid adherence to the promises made during his campaign to increase efficiency and cut off unnecessary expenses. His oration, in front of the capitol in 1916, on the removal of the battle flags of Ohio from the relic room of the capitol to sealed glass cases in the rotunda, was unsurpassed for pathos and patriotic eloquence in a state that has given the nation some of its greatest orators.

FRANK B. WILLIS
DELAWARE, OHIO

May 8th 1917.

Dear Col. Barrett -

I have asked
Prof. Giddreath I think
to library to send
you some "clips"
during the time you
suggested. Hope you
get it in due time
Thanks for your
many kindnesses,
Yours, Frank

HARMON, COLSTON, GOLDSMITH & HOADLY

ST. PAUL BUILDING

JUDSON HARMON
EDWARD COLSTON
A W GOLDSMITH

ATTORNEYS AT LAW

CINCINNATI, OHIO

GEORGE HOADLY
OSCAR STOEHR
A W GOLDSMITH JR

May 8, 1917.

Dear Mr. Sterrett:

Replying to your letter of yesterday, I take pleasure
in sending you a photograph under separate cover.

Wishing you success in your work, I am,

Very truly yours,



Mr. F. M. Sterrett,
Troy, Ohio.

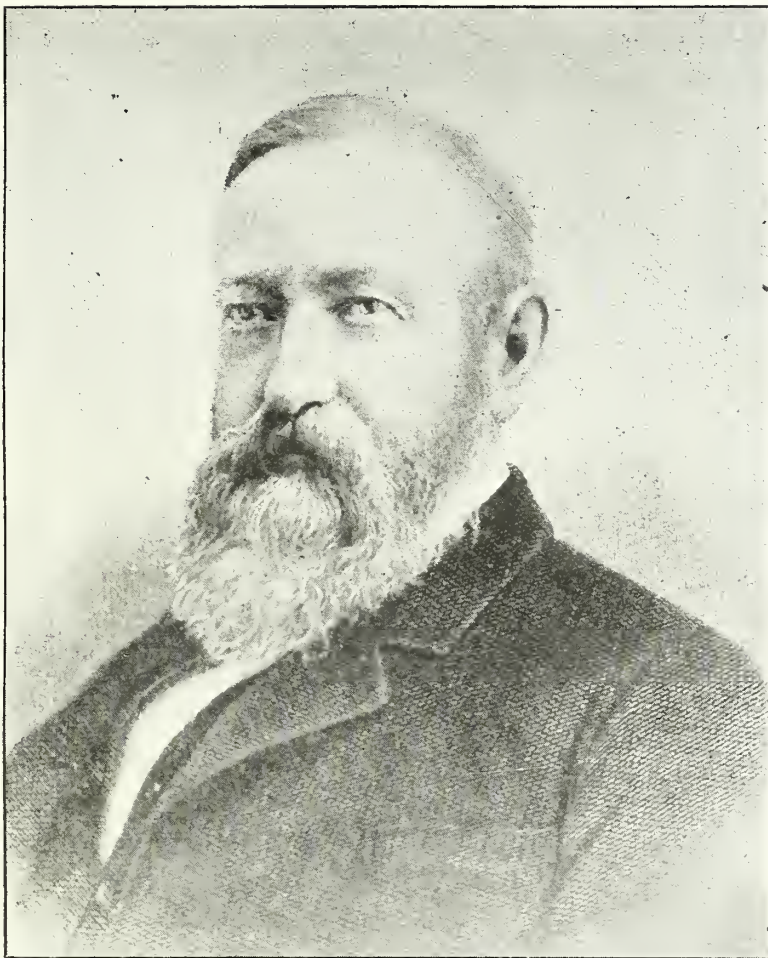


JAMES M. COX

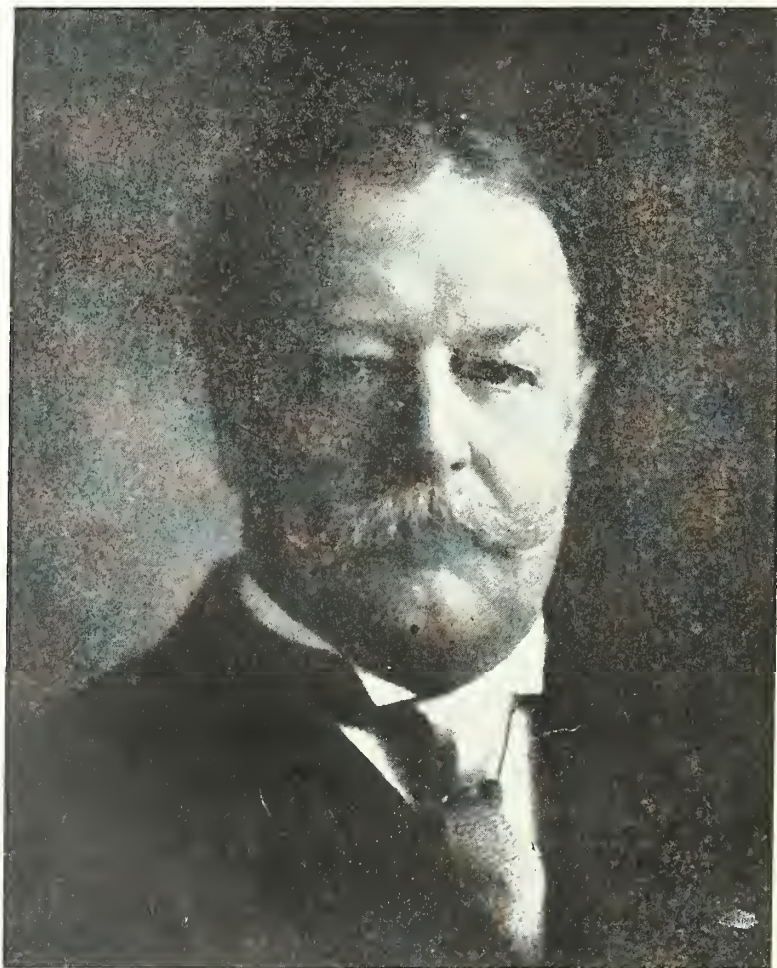
43 Governor of Ohio, 1913-1915

45 Governor of Ohio, 1917-1919

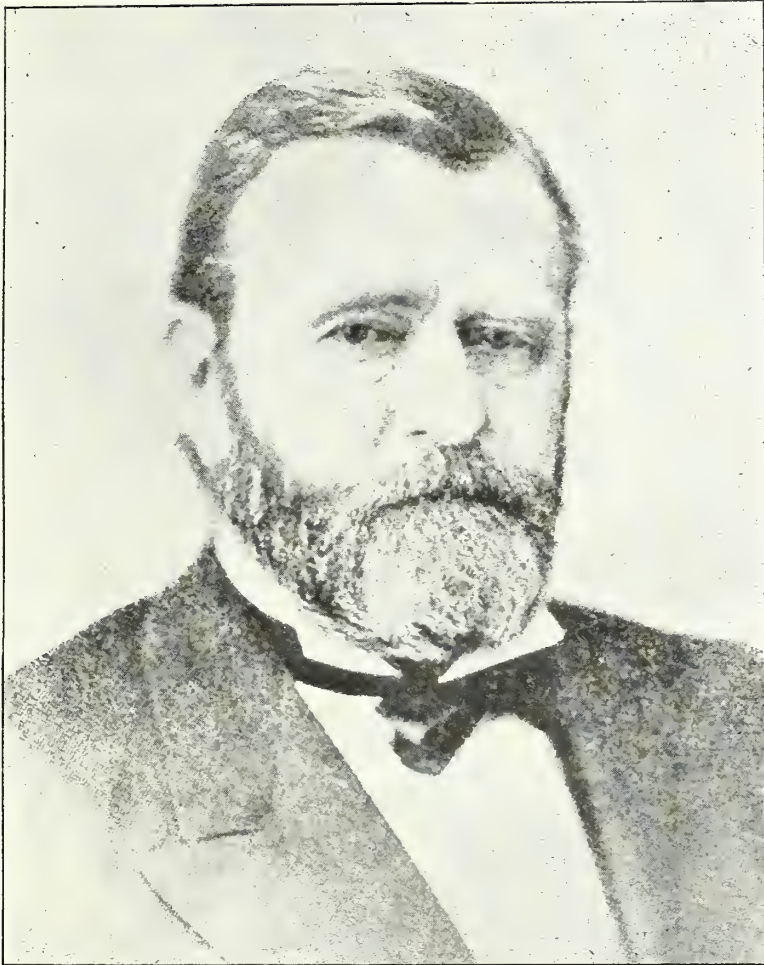
JAMES M. COX, born on a farm in Butler County, Ohio, in 1870. Educated in the public schools and worked in a printing office in Middletown, a reported for the Cincinnati Enquirer, private secretary to Congressman Sorg, owner of The Dayton and Springfield News. When the operation of the Conservancy law of Ohio has been demonstrated, for which he is responsible, an unbiased history of him can not be written.



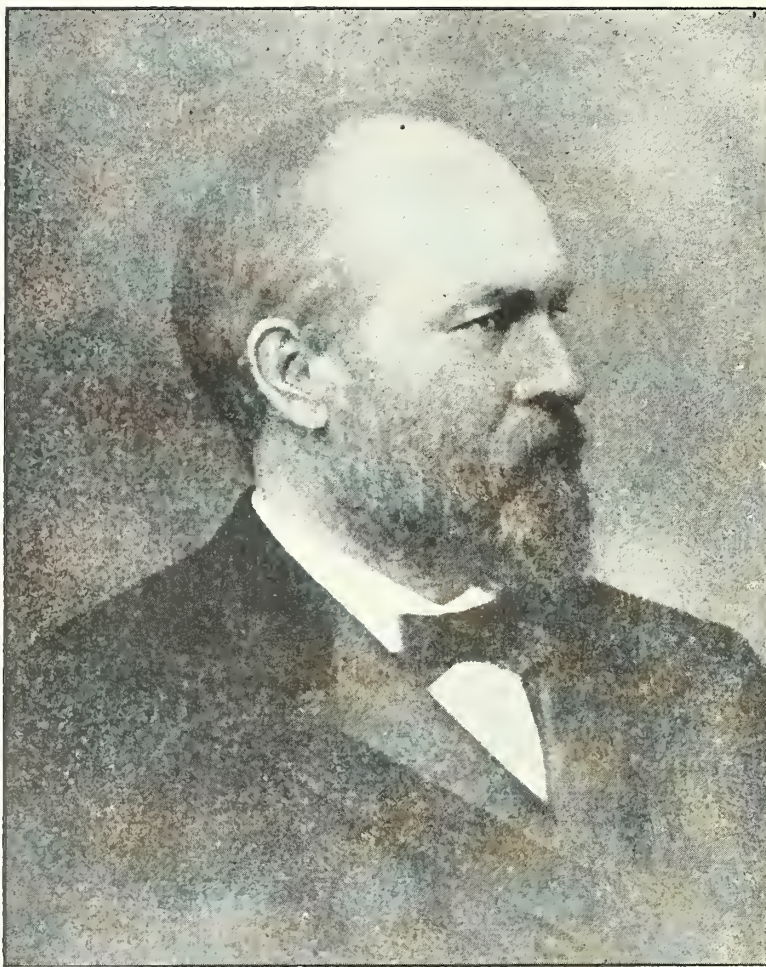
BENJAMIN HARRISON
23rd President of the United States



WM. H. TAFT



ULYSSES S. GRANT
18th President of the United States



JAMES A. GARFIELD
20th President of the United States

Hamilton County: John W. Brown, Charles Willing Byrd, Francis Dunlavy, William Goforth, John Gitchel, Jeremiah Morrow, John Paul, John Riley, John Smith and John Wilson.

Jefferson County: Rudolph Blair, Geo. Humphrey, John Milligan, Nathan Updegraff and Bezaleel Wells.

Ross County: Edward Tiffin President, Michael Baldwin, James Grubb, Nathaniel Massie and F. Worthington.

Washington County: Ephraim Cutter, Benjamin Ives Gilman, John McIntire and Rufus Putnam.

THOMAS SCOTT, Secretary.

The first Legislature of the State was held at Chillicothe, under the Constitution, created eight new counties: Gallia, Scioto, Franklin, Columbiana, Butler, Warren, Greene and Montgomery.

Ohio is situated between 38 and 41 north latitude and 80 and 84 of west longitude. It is bounded on the north by Michigan and Lake Erie, on the east by Pennsylvania and West Virginia, on the south by West Virginia and Kentucky, and on the west by Indiana. It has a navigable water frontier of Lake Erie on the north and the Ohio river on the south of 666 miles. The eighty-eight counties of Ohio were organized on the following dates:

<i>Name.</i>	<i>Date.</i>
Adams.....	July 10, 1797
Allen.....	April 1, 1812
Ashland.....	Feb. 26, 1846
Ashtabula.....	June 7, 1807
Athens.....	March 1, 1805
Auglaize	1848
Belmont	Sept. 7, 1801
Brown.....	March 1, 1817
Butler	1803
Carroll	1832-1833
Champaign	March 1, 1805
Clark.....	March 1, 1817
Clermont	Dec. 9, 1800
Clinton	1810

Columbiana.....	March 25, 1803
Coshocton.....	April 1, 1811
Crawford.....	April 1, 1820
Cuyahoga.....	June 7, 1807
Darke.....	Jan. 3, 1809
Defiance.....	March 4, 1845
Delaware.....	Feb. 10, 1808
Erie	1838
Fairfield.....	Dec. 9, 1800
Fayette	March, 1810
Franklin.....	April 30, 1830
Fulton	Feb. 28, 1850
Gallia	April 30, 1803
Geauga	1805
Greene	May 1, 1803
Guernsey.....	March, 1810
Hamilton	Jan. 2, 1790
Hancock.....	April 1, 1820
Hardin.....	April 1, 1820
Harrison	Jan. 1, 1814
Henry.....	April 1, 1820
Highland.....	May, 1805
Hocking.....	March 1, 1818
Holmes	Jan. 20, 1824
Huron	Feb. 7, 1809
Jackson	March, 1816
Jefferson	July 29, 1797
Knox.....	March 1, 1808
Lake	March 6, 1840
Lawrence.....	March 1, 1816
Licking.....	March 1, 1808
Logan.....	March 1, 1817
Lorain	Dec. 26, 1822
Lucas	June, 1835
Madison	March, 1810
Mahoning.....	March 1, 1846
Marion.....	March 1, 1824
Medina.....	Feb. 18, 1812
Meigs.....	April 1, 1819
Mercer	April 1, 1820
<i>Miami</i>	Jan. 16, 1807
Monroe.....	Jan. 29, 1813
Montgomery	May 1, 1803
Morgan.....	March 1, 1818
Morrow	Feb. 24, 1848
Muskingum	March 1, 1804
Noble	March 11, 1851
Ottawa.....	March 6, 1840
Paulding	April 1, 1820

Perry	March 1, 1817
Pickaway	Jan. 12, 1810
Pike	1815
Portage	June 7, 1807
Preble	March 1, 1808
Putnam	April 1, 1820
Richland	March 1, 1813
Ross	August 20, 1798
Sandusky	April 1, 1820
Scioto	May 1, 1803
Seneca	April 1, 1820
Shelby	1819
Stark	Feb. 13, 1808
Summit	March 3, 1840
Trumbull	1800
Tuscarawas	Feb. 15, 1808
Union	April 1, 1820
Van Wert	April 1, 1820
Vinton	March 23, 1850
Warren	May 1, 1803
Washington	July 26, 1788
Wayne	1796
Williams	April 1, 1820
Wood	April 1, 1820
Wyandot	Feb. 3, 1845

GOVERNORS OF OHIO

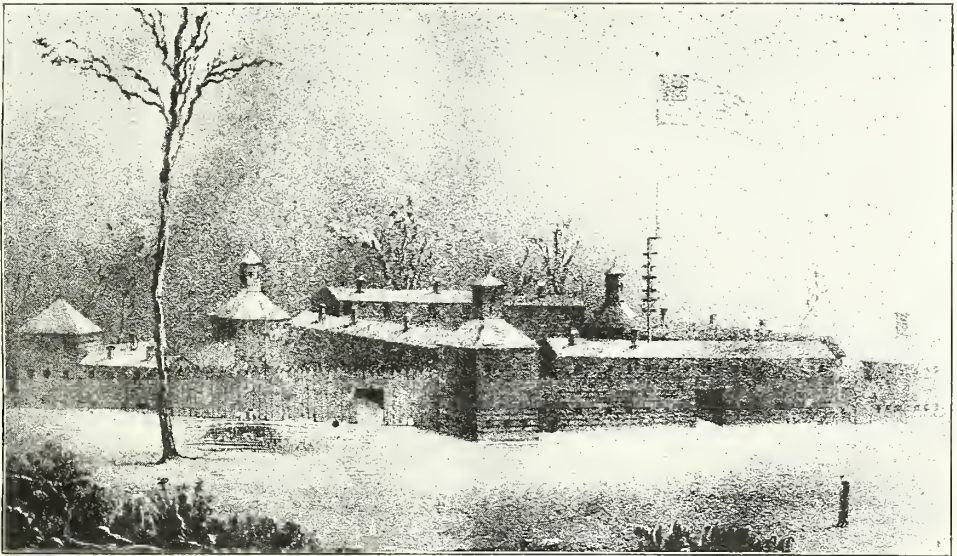
Edward Tiffin	1803-1807
Return J. Meigs	1807-1814
Thomas Worthington	1814-1818
Ethan A. Brown	1818-1822
Jeremiah Morrow	1822-1826
Allen Trimble	1826-1830
Duncan McArthur	1830-1832
Robert Lucas	1832-1836
Joseph Vance	1836-1838
Wilson Shannon	1838-1840
Thomas Corwin	1840-1842
Wilson Shannon	1842-1844
Mordecai Bartley	1844-1846
William Bebb	1846-1848
Seabury Ford	1848-1850
Reuben Wood	1851-1853
William Medill	1853-1855
Salmon P. Chase	1855-1859
William Dennison	1859-1861
David Tod	1861-1863
John Brough	1863-1865

Jacob D. Cox	1865-1869
Rutherford B. Hayes	1869-1871
Edward F. Noyes	1871-1875
Rutherford B. Hayes	1875-1876
Thomas Young	1876-1877
Richard M. Bishop	1877-1879
Charles Foster	1879-1883
George Hoadley	1883-1885
Joseph B. Foraker	1885-1889
James B. Campbell	1889-1891
William McKinley, Jr.	1891-1895
Asa S. Bushnell	1895-1899
George K. Nash	1899-1903
Myron T. Herrick	1903-1905
James M. Pattison	1905-
Andrew L. Harris	1905-1907
Judson Harmon	1908-1912
James M. Cox	1912-1914
Frank B. Willis	1914-1916
James M. Cox	1916-

In 1803 there was but one candidate for Governor of Ohio, and Edward Tiffin received 4,564 votes. In 1805 there was no contest and Edward Tiffin received 4,788 votes. The first contest was in 1807, when Return J. Meigs, a Federalist, received 5,550 votes, and Nathaniel Massie, Republican, received 4,757 votes. In the contest of 1916, James M. Cox, Democrat, received in round numbers 606,000 votes, and Frank B. Willis, Republican, received over 600,000 votes. The entire vote of Ohio in 1916 was over 1,250,000.

Ohio has arisen from a population of 25,000, on admission to the Union, to a population in 1917 of more than 5,000,000 souls. She is fourth in population and wealth among her sister States. For many years she was third, until the great city of Chicago had begun to achieve her ambition in her meteoric career to become finally the most populous city of the world. Illinois is now third in population and wealth.

The following letter from the Tax Commission of Ohio will explain in the most authentic manner possible to be obtained the wealth of Ohio:



FORT WASHINGTON

THE TAX COMMISSION OF OHIO
COLUMBUS

November 28, 1916.

Mr. F. M. Sterrett,
Troy, Ohio.

Dear Sir:—

In reply to yours of November 26th, the Commission herewith encloses copy of table No. 8, giving the grand duplicate of Ohio for the year 1915. Tables for 1916 will not be ready for several weeks yet.

According to this table the total value of property in Ohio for purposes of taxation in 1915 was \$7,366,503,555. In the belief of most people who have looked into the subject, however, you would be considerably in error in assuming that this represents the wealth of the State. The fact of the matter is that it is generally estimated the wealth of Ohio is from two to three times this amount. The real estate in the State is probably upon the duplicate at a large percentage of its valuation, but the intangible property is not. For example, the total amount of monies (including cash on hand) listed for taxation in 1915 was \$143,900,599, which was \$837,190,991 less than the monies on deposit. In the belief of Mr. Boyle, late member of this Commission, who made some investigation on this subject: "Probably only seven or eight per cent of the total invisible wealth of Ohio is listed for taxation."

In addition there must also be considered the question of exempted property in Ohio. The United States Census Bureau averages the value of statutory exempted property in Ohio as one-eighth of the value of the taxed real property and improvements. On this basis the estimated value of legally exempted property in Ohio in 1912 was \$356,302,276; and on the same basis the value of exempted property in 1915 was \$590,668,092. But unquestionably the actual amount was enormously greater. To quote the Tax Commissioner's report for 1915: "What the sum total of these exemptions and failures to list amounts to, it is impossible to say—that they count up to many millions of dollars

is certain—and some investigators place the amount at over a billion dollars."

Very truly yours,

THE TAX COMMISSION OF OHIO.

By C. A. Jones, Secretary.

If instead of three times the present tax duplicate, it were multiplied by two, our actual State duplicate would be about \$15,000,000,000, or more than one-sixth of the entire wealth of England. The most reliable figures which we are able to obtain in relation to the wealth of the United States in 1916 is \$185,000,000,000. The next richest nation, England, is worth \$85,000,000,000. The railroads of the United States alone represent a paper value of \$20,000,000,000, and employ more than one and a half million men. Ohio is richer than many of the kingdoms of the Old World. The following is her wealth by counties, which can, no doubt, be doubled with safety:

Adams County -----	\$ 13,578,380
Allen County -----	93,109,550
Ashland County -----	44,496,220
Ashtabula County ----	96,124,470
Athens County -----	38,512,325
Auglaize County -----	40,759,410
Belmont County -----	82,827,880
Brown County -----	21,460,884
Butler County -----	115,994,700
Carroll County -----	18,081,485
Clark County -----	98,017,160
Champaign County ---	46,144,171
Clermont County -----	26,237,910
Clinton County -----	35,982,030
Columbiana County --	95,878,460
Coshocton County ----	36,985,620
Crawford County ----	57,995,460
Cuyahoga County ----	1,119,491,830
Darke County -----	72,739,980
Defiance County -----	39,568,690
Delaware County ----	43,582,710
Erie County -----	68,366,860
Fairfield County ----	64,848,050
Fayette County -----	39,041,390
Franklin County -----	360,255,640
Fulton County -----	39,574,300
Gallia County -----	14,918,085
Geauga County -----	17,739,060

Greene County -----	45,795,680
Guernsey County -----	39,192,265
Hamilton County -----	702,870,876
Hancock County -----	99,851,380
Hardin County -----	49,865,450
Harrison County -----	28,615,780
Henry County -----	40,146,780
Highland County -----	32,137,410
Hocking County -----	23,525,800
Holmes County -----	25,811,040
Huron County -----	62,054,330
Jackson County -----	17,727,230
Jefferson County -----	83,310,690
Knox County -----	48,299,710
Lake County -----	53,923,510
Lawrence County -----	31,24,462
Licking County -----	87,816,050
Logan County -----	44,624,330
Lorain County -----	126,587,000
Lucas County -----	310,755,876
Madison County -----	43,588,240
Mahoning County -----	233,777,130
Marion County -----	63,092,730
Medina County -----	44,003,120
Meigs County -----	18,907,010
Mercer County -----	43,737,750
Miami County -----	71,903,050
Monroe County -----	20,673,800
Montgomery County --	232,822,840
Morgan County -----	15,775,130
Morrow County -----	26,552,165
Muskingum County ---	65,101,690
Noble County -----	15,711,640
Ottawa County -----	38,816,080
Paulding County -----	36,608,940
Perry County -----	30,039,598
Pickaway County ----	50,319,165
Pike County -----	12,150,265
Portage County -----	53,931,120
Preble County -----	41,391,850
Putnam County -----	44,004,225
Richland County -----	69,434,740
Ross County -----	50,673,220
Sandusky County ----	65,598,400
Scioto County -----	56,323,660
Seneca County -----	72,004,750
Shelby County -----	41,260,500
Stark County -----	194,706,120
Summit County -----	213,339,220

Trumbull County -----	101,451,390
Tuscarawas County --	74,178,730
Union County -----	37,745,700
Van Wert County -----	51,360,520
Vinton County -----	10,075,175
Warren County -----	35,349,960
Washington County --	47,181,250
Wayne County -----	70,414,180
Williams County -----	41,925,910
Wood County -----	87,477,080
Wyandot County -----	40,627,115

Total ----- \$7,366,503,555

The total receipts from taxes in the State of Ohio for the fiscal year ending June 30, 1916, was \$19,111,848.04, and the disbursements for the same period was \$19,671,985.07. There was a balance in the treasury on that date of \$7,105,631.39. The expense of conducting the affairs of the State for the fiscal year June 30, 1917, will be more than \$20,000,000.

Article VI of the ordinance of 1787 provides: "There shall be neither slavery or voluntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, *provided always* that any person escaping into the same, from whom labor or service is lawfully claimed in one of the original States, each fugitive may be lawfully claimed and conveyed to the person claiming his or their service as aforesaid."

It will be noted that by the ordinance, a fugitive slave could be arrested in free territory and returned into bondage, and all the forces of law could be made effective to accomplish that purpose. While this instrument has been regarded as one of the most progressive in enlightened government, under its provisions, imprisonment for debt was lawful and practiced in Ohio for 40 years after her admission into the Union. When the State Senate convened in 1828, it was found that Senator Andrew Mack, of Cincinnati, was not present, and inquiry brought out the fact that he was in jail for debt in his home



OHIO'S JEWELS

town. The Senate demanded his release, not on the ground it was wrong to imprison one for debt, but that his detention was a violation of the special immunity from arrest of a member of the Legislature, and on that ground he was released, but no effort was made by that General Assembly to repeal the law; in fact, imprisonment for debt was not abolished in Ohio until 1838, and the law then passed was full of "excepts" and "buts."

For a period of 13 years after Ohio was admitted, whipping posts and stocks were familiar instruments. Every county seat in Ohio up to 1815 was provided with these repulsive and brutal instruments of torture. For attempted rape, 39 stripes were required, but if the offender stole a mule, 50 stripes were required. In 1809 the criminal laws were amended and the number of stripes for various crimes was further classified. Public executions, with their ghastly and demoralizing influences, were abolished in 1844. Electrocution was substituted for hanging in 1896. Lotteries in Ohio were legal until 1807, the year Troy was laid out. On that date a law was passed pronouncing all lotteries unlawful except such as were authorized by the Legislature. The first attempt to improve the Muskingum River was by means of a lottery, and one of the first bridges over that stream was erected through the proceeds of a lottery. Churches, in the early days, were often built from the sale of lottery tickets. They were abolished by law in 1830. Although slavery in the northwest territory was prohibited by the great ordinance, the women of Ohio in the early history were to all intents and purposes in a state of bondage. The husband acquired absolute ownership over her. It was not until in 1861 that married women obtained the legal right to hold property in their own names and use the income thereof for their own purposes. It was 80 years before the law-makers recognized her as a human and granted her the right to sue and be sued. They were granted the right

to vote at school elections in 1896. They have always been taxed, but the right of representation in any sense for many years, and but in a partial sense now, has been allowed them. In this year of 1917 she has the full rights of citizenship in seventeen States, and all tendencies look to her full enfranchisement in Ohio within a short time. Indeed, the signs of the times very clearly indicate that a Constitutional Amendment will be submitted for ratification by the States within a short time, which will probably be ratified by two-thirds of them and thus provide in the organic law for woman's suffrage.

Although the great ordinance prohibited slavery in the northwest territory, slavery had actually existed within the boundary for many years prior to 1787, and was continued after that date. The French people who had settled in Detroit, Michigan; Vincennes, Indiana; Kaskaskia, Illinois, and at other points in these States called upon Governor St. Clair, who told the French settlers that the ordinance did not free slaves then held. At the end of the seven years' war in 1763, when France ceded to England all the territory east of the Mississippi which she had theretofore claimed, the French settlers were guaranteed their rights to continue holding slaves, and Jay's treaty with England, in 1794, pledged the United States not to interfere with the property of English settlers, including their slaves. The first Constitution of the State of Illinois permitted those who held slaves to continue in their possession as property and retain them in servitude, and this Constitution was approved by the Congress of the United States. Indiana, headed by William Henry Harrison, organized a movement to introduce slavery in Indiana. When a proposition was offered in 1802 in the Constitutional Convention to allow slavery in Ohio in a modified form, it was defeated by only one vote. In that day the free man of color was required to give a bond in the sum of \$500 not to become a public charge before he would be

allowed to locate in any community, and in the event such bond was not furnished, the service of such colored person should be sold to the highest bidder. Those settlers from slave States who came to Ohio in that early time brought their slaves with them and enjoyed their services without compensation for many years.

A colored man for the first 25 years of our State history had about as much show for freedom as the proverbial snowball in Hades. Two years prior to the admission of Ohio, or in 1800, by an Act of Congress, signed by President Adams, the northwest territory was divided into two territories by a line drawn from a point below Cincinnati, opposite the mouth of the Kentucky River, north to the Canadian border. The eastern territory embraced Ohio and a part of Michigan retained the name of northwest territory. The western division was named Indiana Territory, with Vincennes as the capital. William Henry Harrison was then the delegate in Congress, and desiring to be made the Governor or the new territory, he succeeded in his desire.

There have been four Constitutional Conventions in Ohio, viz., 1802, 1850, 1873 and 1912. The people refused to ratify the one framed in 1873. The one of 1912 submitted forty-two amendments, of which thirty-four were adopted.

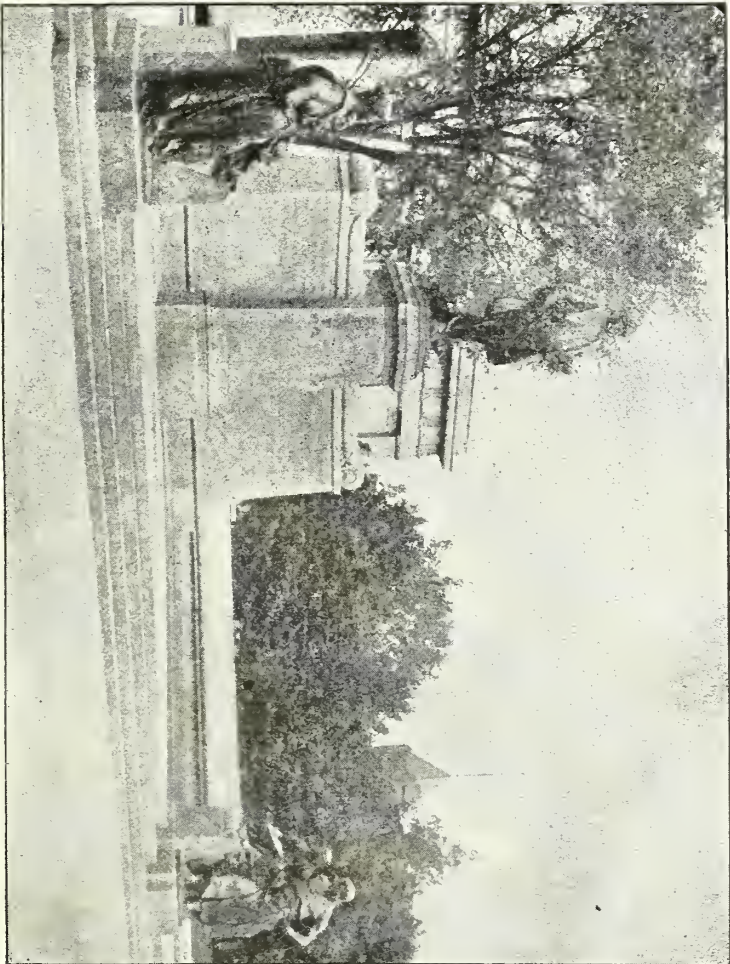
The Constitution of 1850 was demanded by the people because under the one of 1802 their right to elect all State and local officers had been abridged. They also demanded the limitation of the State debt, biennial sessions of the Legislature, prohibition of special acts of incorporations and laws of a general nature, unless made of uniform operation throughout the State, reform of the judicial system, abolition of all property qualifications required of office-holders and voters, creation of the office of Lieutenant Governor, prevention of the State or any political subdivision from becoming a stockholder in any private enterprise, and taxation of all prop-

erty by a uniform rule, and all these were incorporated in the Constitution of 1850-51.

The salary of the first Governor, Edward Tiffin, was \$900. It was raised to \$1,000 in 1822. In 1852 it was raised to \$1,800. In 1865 it became \$4,000. In 1887 to \$8,000, and in 1906 to \$10,000. William Medill was elected the first Lieutenant Governor of Ohio in 1851 and succeeded Governor Wood as Governor of Ohio in 1853.

"In Ohio the House of Representatives has the sole power of impeachment of State officers, but any such officer, when impeached, must be tried by the Senate, and it requires a two-thirds vote of that body to convict. In the trial of Judges Tod and Pease, in 1809, the Senate voted 15 to 9 in favor of conviction in both cases. They were thus acquitted, as it required 16 votes to convict.

"In Ohio, from its admission in 1803, township and town officers have been elective, and such elections at first were annual. Of county officers, only sheriff and coroner have been elective from the beginning. The office of county commissioner was created and made elective in 1804 and a board of three members was authorized. The office of county auditor was created and made elective in 1824. County treasurers were at first appointed by the associate judges of each county, but were made elective in 1827. Clerks of court were appointed by the courts until the adoption of the Constitution of 1851. Prosecuting attorneys at first were appointed by the Supreme Court, but were made elective in 1833. Recorders at first were appointed for seven-year terms by the associate judges in each county, but were made elective in 1831. Surveyors at first were appointed by the courts, but were also made elective in 1831. There were no probate judges in Ohio until authorized by the Constitution of 1851. Under the Constitution of 1802 such duties were performed by the associate judges of each county, who



McKINLEY MONUMENT

On west front of Capitol building, Columbus, Ohio.

were appointed by the General Assembly." (J. W. Tannehill.)

The first Constitution provided that only white male inhabitants above the age of 21 years, residents of the State one year, who had paid or were charged with a State or county tax, had the right to vote. No man in that day could either vote or hold office unless he paid a tax. Even if elected to office, he could not be sworn in unless he had paid taxes.

The first General Assembly consisted of 15 Senators and 30 Representatives. In the present General Assembly there are 33 Senators and 123 Representatives. They each receive \$1,000 per annum salary and weekly mileage to and from home of two cents per mile. The first General Assembly paid \$2.00 per day for each day in session, and not to exceed \$2.00 for each mile going to and returning from the session. The first General Assembly cost the State for salaries, mileage and clerk hire a total of less than \$6,000. The clerk hire and salaries of the 1915 session cost the State \$66,227.30, and the whole expense of the session was \$262,074.48.

When Ohio was admitted into the Union, the general government reserved the title to herself of all lands except those previously sold or granted. The land tracts of Ohio were then divided as follows:

1. Congress lands, which comprised all sales made by authority of Congress. These lands had been or would be surveyed and laid out in townships six miles square, and these townships subdivided into sections containing 640 acres. One section in each township was reserved for educational purposes, to be disposed of in any manner approved by the State which it deemed best to subserve the purpose for which it was set apart.

2. The United States military tract was set aside by Congress to satisfy the claims of officers and soldiers of the Revolutionary War. It includes 2,500,000 acres of land between the Greenville Treaty line and the lands known as the Congress lands

above described and the Refugee lands to be hereafter described.

3. The Virginia military lands lay between the Scioto and Little Miami Rivers and extended south of the Ohio. Washington had, at one time, large holdings in this section. These lands were largely deeded to the soldiers of the Old Dominion who served with Washington during the disastrous Braddock campaign and during the seven years' French and English war from 1756 to 1763.

4. Those lands in extreme northeastern Ohio, known since the days of Charles II of England as the Western Reserve, were granted by that monarch in 1662 to the colony of Connecticut. It is the opinion of the author that the title of Connecticut was not good, since none of the titles granted by English monarchs conveying lands west of the Alleghenies was valid until the treaty of peace in Paris, 1763, between England and France. The general government conceded these 3,800,000 acres to the State of Connecticut in order to obtain the right of jurisdiction.

5. The fire lands of Ohio consisted of a half million acres donated by Connecticut in the northeast portion of the State to those persons during the Revolutionary War who had suffered from fire.

6. The Ohio Company's purchase is the tract at Marietta on which General Putnam and his New England associates settled, and heretofore described.

7. The Symmes purchase, heretofore described, brought more immediate results to the new State than any of the others.

8. The Refugee tract consisted of 100,000 acres extending eastwardly from the Scioto River forty-eight miles in a strip of country four and one-half miles broad, north and south.

9. The French tract consisted of 24,000 acres in the southeast quarter of Scioto County, and was ceded to the French families that lost their claims at Gallipolis through invalid titles. This cession was made in 1795, and a few years afterward

12,000 additional acres were added to the grant.

10. The Dohrman grant includes a section six miles square in the southeastern portion of Tuscarawas County. It was granted to Arnold Henry Dohrman, a Portuguese merchant, as a token of appreciation for the aid and shelter he rendered Americans.

11. The Zanes grant included a portion of land on the Muskingum where Zanesville was built; another at the crossing of the Hocking on which Lancaster is located; and yet another on the left bank of the Scioto River opposite Chillicothe. These grants were made to Ebenezer Zane by Congress in 1796 as a reward for opening a road from Wheeling, W. Va., to Maysville, Ky. In 1802, Mr. Zane received three additional tracts, one square mile each, in consideration of being captured and held prisoner during the Revolutionary War, when a boy, by the Indians. He lived with these people most of his life, securing many benefits for the Americans. These tracts are located in Champaign County.

12. The Ohio canal lands included 1,000,000 acres set aside for the purpose of aiding in the construction of canals where practicable.

13. The Turnpike lands of Ohio comprised 31,360 acres along the western side of the Columbus and Sandusky turnpike, in the eastern part of Seneca, Crawford and Marion Counties. They were supposed to provide for the transportation of mail stage, troops and other United States property free from toll. The grant was made in 1827.

14. The Maumee road lands extend the length of the road from the Maumee River at Perrysburg to the western limit of the Western Reserve, a distance of 46 miles in a strip two miles wide. This includes about 60,000 acres. These lands were ceded by the Indians at the treaty at Brownstown in 1808. The original intention of Congress was to mark a highway

through this strip, but no definite action was taken until 1823, when the land was ceded to the State of Ohio under the obligation that the State should make and maintain the projected road within four years after the transfer.

15. The school lands of Ohio were intended to embrace one-thirty-sixth part of all the land in the State, and the sale of these lands should be devoted to the purposes of education in the interest and for the general benefit of the population. Section No. 16 was designated in the township of Congress lands, the Ohio Company's and Symmes purchases, the United States Military lands, the Connecticut Reserve, and a number of quarter townships. These school lands were selected by the Secretary of the Treasury.

16. There were 27,040 acres of land set aside for college purposes located in the center of Jackson County, together with a quarter mile township in Delaware County. In 1824 the Congress authorized the State to sell these lands. The proceeds were to be devoted to literary requirements such as might be specified by Congress.

17. The Moravian lands of Ohio were originally grants by the old Continental Congress in 1787, and confirmed by the Congress of 1796, to Moravian brethren of Bethlehem, Pa., in sacred trust and for the use of those Indians who had embraced Christianity and civilization, desiring to settle and live thereon. There were three tracts of 4,000 acres each, situated in Tuscarawas County. In 1823 the Indians released their rights to the 12,000 acres in this county for 24,000 acres in a territory designated by the United States, together with an annuity of \$400.

18. The Ministerial lands were all of sections 29 in the Ohio Company's and the Symmes purchases, which were reserved to aid in the support of ministers of the Gospel.

19. The Salt Lands of Ohio were set aside by the National Government and comprised 23,040 acres near the present



JOHN CLEVES SYMMES

Supposed to be the only picture of him extant. He purchased 2,000,000 acres of the rich and beautiful region between the Great and Little Miami, including the site of Cincinnati and all that portion of Miami County east of the Miami river. He was a congressman from New Jersey.

site of Jackson, in Jackson County, 4,000 acres in Brown township, Delaware County, and two sections in Muskingum County, one in Salt Creek township, and one in Wayne township. Part of the latter section is now in Brush Creek township, and this part, which is on the west side of the Muskingum River that contains the Salt Springs. It was stipulated by the Congress in the Act of May 18, 1796 that these salt reservations should never be sold, but in 1816, the Congress authorized the sale of 64 acres of the Jackson County reservation. The proceeds of this sale of lots and land were \$7,196.00 which was used to construct county buildings. In 1824, Congress authorized the State to sell all salt reservations and the only stipulation as to the use of the receipts was that they should be used for "literary purposes."

The General Assembly in 1826 ordered the sale of all salt lands. These funds were paid into the State treasury and in 1829 were transferred to the State Common School fund.

The sales amounted to about \$30,000. For a number of years accumulated interest was added to the principal until it amounted to \$41,024.00. This sum appeared each year in the Auditor of State's statement of the irreducible debt, until 1870 when it was printed for the last time and then disappeared forever. The State had used the money and the schools never received one penny. The last payment into this fund was made in 1849 and the total then of \$41,024.00 with interest at six per cent up to the present would make an aggregate amount of \$200,000.00 due the schools of Ohio.

The Scioto Salt Springs were the most noted and valuable. Their existence was known to the English as early as 1755. They were visited regularly by the Indians and the early settlers and when Ohio became a State the General Assembly appointed an agent to collect a license fee of

three cents per gallon quarterly on the capacity of each salt kettle used by the salt makers. A thriving settlement sprang up around the Salt Springs which were then a part of Ross County and the growing village caused the General Assembly to create the new County of Jackson with the county seat at the salt works. The Delaware Salt Springs were of little value. The supply of salt water was not sufficient to pay operation and the attempt ended in failure. The springs on Salt creek in Muskingum County, near the present town of Chandlerville, were of more importance. The Marietta settlers began making salt there in 1795. The following year there were 24 kettles being operated. Even with cheap labor and fuel, it cost \$3.00 per bushel to produce salt. The Chandler family were the most noted salt makers of the region. The sales of the salt reservation by the State followed by the abandonment of salt making at the salt springs, the drilling of salt wells furnishing superior brine in other sections of the State. Ohio, about 1840, was a large producer of salt, Morgan, Athens, and Meigs counties being then in the lead. Ohio has few salt furnaces today.

The importance of these salt reservations to the early settlers of Ohio will be best understood when it is known that a pound of salt then cost as much as a pound of sugar does in this more modern time.

There was a serious controversy between Ohio and Michigan on the question of a boundary line between them in the year 1835. Michigan claimed that the Ordinance of 1787 was a line from the southern extremity of Lake Michigan, due east to Lake Erie. This would have made Toledo and adjacent territory a part of the State of Michigan. The Constitution of the State of Ohio fixed the northern boundary line at a point which included Toledo and about twenty miles north of that city and this Constitution was ratified by the Congress. Governor Mason, of Michigan, refused to be governed by these

conditions and occupied the disputed territory with militia. There was some skirmishing and several Ohio citizens were captured and imprisoned. Governor Lucas, of Ohio, called a special session of the Legislature and 10,000 troops were authorized to defend Ohio soil, and the sum of \$300,000 was appropriated for their maintenance with authority given to Lucas to borrow \$300,000 more, if necessary. Old Hickory was then President and quickly ended the trouble by removing Governor Mason from office. In 1836, Michigan was admitted as a State and compensated by adding the upper peninsula to the new State.

In 1885, three Constitutional Amendments were carried in the election by the required vote which changed State, County and District elections from October to November. It was made lawful to print an affirmative vote on all party ballots, which being done, the vote stood 480,000 for and 55,000 against. The first State election in November was held in 1886. It lessened the expense and eliminated some very questionable political methods practiced by the various political parties to influence the national elections held one month later. The Australian ballot was first used in Ohio in the fall of 1891 and had been used in Australia since 1856. All nominations for office in Ohio by the old convention method was abandoned on the adoption of the new Constitution of 1912. If the question of a Primary or a convention method of nomination were before the voters of Ohio again, the State would probably go back to conventions by a large majority. There are very serious objections urged against the new primary method. First, it bunches candidates as illustrated in the primary of 1916 when two County Commissioners were nominated who lived in West Milton and although good men and belonging to the dominant party were defeated at the polls. The third commissioner, nominated by the dominant party, lived but a few miles

away in the adjoining township and was elected by a plurality of four votes. A convention would have made no such blunder as this one.

Second, the people do not care for it enough to go to the polls. There has been no time since this law went into effect when as much as 25 per cent of the rural vote has appeared at the primary polls and it has not been noticed that the character or efficiency of officers has been increased.

Third, it is estimated that not more than five per cent of the voters of the State know the candidates and, therefore, vote for the name that comes first. A name commencing with one of the first letters of the alphabet has become a much more significant political asset in a State election than brains and ability. In a convention, men for whom you vote are vouched for by men who know them if you do not know them. The author had to do with calling and addressed the mass convention in Grange Hall in 1907 discussing this question and was one of the committee appointed to draft a primary bill. With the prominent attorney, A. F. Broomhall, of Troy, I addressed the Judiciary Committee of the House in favor of the proposed bill, a large part of which is the present Primary Law of Ohio. Up to the present time, Mr. Broomhall to my knowledge has not recanted but I have and *cannot* repeat the Lord's saying on his completion of the earth, "It is good."

The highest point of land in Ohio is 1550 feet above the level of the sea near and east of Bellefontaine. The lowest land in Miami County is in the Miami River bottom in the southern portion of Monroe township near the Montgomery County line where the altitude is 778 feet above sea level. The counties of Ohio should not contain less than 400 square miles and yet Ashtabula, the largest in area, contains 723 sq. miles. Lake, the smallest, contains 241 sq. miles. Article XI, Section 30, of the Constitution, says: "No new county shall contain less than 400 sq. miles nor

shall any county be reduced below that amount." It provides, however, that a county of 100,000 or more inhabitants may be divided if both divisions contain 20,000 or more inhabitants.

In the early days of the State, the law required every able bodied man in the State between the ages of 18 and 45 to arm himself with rifle, bayonet, knapsack, ammunition and two extra flints and meet at least four times each year with his company for training, and once each year with his regiment. Members of religious societies who were conscientiously opposed to bearing arms could be excused by paying three dollars yearly for the use of the regiment. The author is of the opinion that the abandonment of this practice was a blunder and that a system of training in military tactics should have been extended rather than curtailed. There should be a motto hung up in every home and school room throughout the whole land inscribed: "Keep your shoulders straight," and a law enacted and enforced that would put that motto into practical effect. Each school boy over ten years of age should be put through a rigid physical training and daily military exercises as long as he remains in school. He should become a member of the National Guard between the ages of 18 and 21 and perform two weeks of military service each year between the ages of 21 and 45. Every man in the United States, except cripples and imbeciles, should be taught to defend his country. There should be kept constantly on hands the very best munitions of war with which to arm 5,000,000 of men. Switzerland maintains an army of 500,000 men on the same general plan above outlined at a cost of \$8,000,000 per year. At double the cost per man in the United States, we could maintain 5,000,000 men at a cost of \$160,000,000 per year or about one-fifth of one per cent on our total tax duplicate.

These United States of ours, on account of neglect in military preparation, has invited some conquering power to the rich-

est spoils in history, for the reason that we cannot defend ourselves against any first-class power. In 1812, a small band of British soldiers banished President Madison from the seat of government, burned the White House and our Capitol buildings and leisurely marched away. Expert military authority has been willing to testify for years that a similar shame and disaster has been and is now possible.

The tribute levied by Alexander on Tyre and Babylon; by Rome upon Carthage; by Germany on France in 1870; and Belgium at the present time is puny and infinitesimal compared to the treasury, the mints and banks in the great and rich union of States. We have not exercised as much caution in the face of this grave danger as the farmer who insures his barn and the merchant his goods against disaster by fire. Race questions and religious questions have never been arbitrated and always result in war when the breaking point is reached. The Japanese ownership of land on the Pacific coast cannot be arbitrated and neither could a union of the Buddhist, Mohammedan, Roman Catholic and Protestant churches be arbitrated. If it were possible to arbitrate a union of the Protestant churches alone, the economy of it could be made to feed a million of people who die of starvation each year in Central Asia and India. Religious wars have already cost the world 250,000,000 lives and conditions might arise that would sacrifice as many more to the same cause. While it is true that our forebears, who settled Ohio, had the constant dread of the Indian marauder before him which fact gave reason for military preparation, the real danger was not as great then as now. Europe now trembles under the titanic tread of 20,000,000 of armed men; the surface of the sea and its depths beneath; the surface of the land and the air above it, are filled with and belching forth death through the most terrible enginery of war; rivers of blood run red through heaped up piles of the

slain; beautiful cities are dismantled; historic cathedrals are sacked and lie in ruins; art treasures, the pride of the world for centuries, are ruthlessly destroyed; almost an entire nation of people are banished from the homes of their nativity to become wanderers in a foreign land; no quarter is asked and none is given and all this in the year 1917 and the awful tragedy not yet finished. The advocates of non-preparedness seem to believe that the great struggle is one of exhaustion and that when peace is declared across the sea, we will be in no danger. This grave question arises at this very point. Will Germany, England and the other Europeans now engaged be more depleted than was the United States at the close of the Civil War in 1865, just after we had been expending more than \$5,000,000 a day, and yet our first move after Appomattox was to order our western forces to the Mexican border to force Maximilian from her borders. He, with the connivance of Spain, France and England, had flagrantly violated our Monroe doctrine at the very time we could not defend that doctrine. There could be no reasonable doubt of the United States to oust Maximilian with ten times greater facility and expedition than before the war and would have made short order of it but for the fate of that emperor at the hands of the Mexican.

Every thoughtful man and woman must know that any of the great powers now engaged in the contest on the other side, could make short shrift of the United States. The highest range of our present coast defense guns is 18,500 yards while the biggest British and German warships have a range of 22,000 yards. This means that British and German warships so

armed, could stand out at sea, two miles out of range and leisurely reduce the forts that protect New York and San Francisco harbors, could in a like manner reduce the forts at New Orleans and levy a tribute on every city of the Atlantic, Pacific and Gulf coasts, and by the Mississippi and other navigable streams, the interior cities of the country. With the undoubted ability to recuperate their great losses, would they hesitate more than they did in August, 1914, to bring on the bloodiest war in history, practically because a prince had been murdered and the full form of apology required from Servia by Austria had not been observed, although it had been in substance. We have every reason to believe that Col. Roosevelt saw what he says he did, when he says he saw the plans of two first-class foreign powers for the conquest of the United States and also reason to believe that Representative Hobson, of Alabama, told the truth when he said in Congress that the Navy Department has on file the Japanese plans for the conquest of the Philippines in May, 1913. It seems to me the vital question in all this discussion is, if any foreign power could recuperate her present war losses by a conquest of the United States, would she do so? So sure as God reigns, neither civilized training, religious teachings, want of desire or ability would prevent them. So much for our unmindfulness of the teachings in a military way of the early settlers of Ohio. Observation, experience and 72 years of contact with human character and an unusual opportunity to study motives, teaches me that wealth and luxury are the usual forerunners of national decay and that history teaches with infallible precision: when a nation loses its fighting blood, it becomes effete and ceases to exist.

CHAPTER VIII.

THE DECLARATION OF INDEPENDENCE—1776

In Congress, July 4, 1776

The Unanimous Declaration of the Thirteen United States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive to these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object

evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of Immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses

repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for the exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out of their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Government:

For suspending our own Legislature, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of war-fare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most

humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the Britain Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our lives, our Fortunes and our sacred Honor.

JOHN HANCOCK.

New Hampshire

Josiah Bartlett,
Wm. Whipple,
Matthew Thornton.

Massachusetts Bay

John Adams,
Saml. Adams,
Robt. Treat Paine,
Elbridge Gerry.

Rhode Island

Step. Hopkins,
William Ellery.

Connecticut

Roger Sherman,
Sam'l Huntington,
Wm. Williams,
Oliver Wolcott.

New York

Wm. Floyd,
Phil. Livingston,
Frans. Lewis,
Lewis Morris.

New Jersey

Richd. Stockton,
Jno. Witherspoon,
Fras. Hopkinson,
John Hart,
Abra. Clark.

Pennsylvania

Robt. Morris,
Benjamin Rush,
Benja. Franklin,
John Morton,
Geo. Cylmer,
Jas. Smith,
Geo. Taylor,
James Wilson,
Geo. Ross.

Delaware

Cæsar Rodney,
Geo. Read,
Tho. M'Kean.

Maryland

Samuel Chase,
Wm. Paca,
Thos. Stone,
Charles Carroll of Carrollton.

Virginia

George Wythe,
Richard Henry Lee,
Th. Jefferson,
Benja. Harrison,
Thos. Nelson, Jr.,
Francis Lightfoot Lee,
Carter Braxton.

South Carolina

Edward Rutledge,
Thos. Heyward, Junr.,
Thomas Lynch, Junr.,
Arthur Middleton.

North Carolina

Wm. Hooper,
Joseph Hewes,
John Penn.

Georgia

Button Gwinnett,
Lyman Hall,
Geo. Walton.

NOTE—Mr. Ferdinand Jefferson, Keeper of the Rolls in the Department of State, at Washington, says: "The names of the signers are spelt above as in the fac-simile of the original, but the punctuation of them is not always the same; neither do the names of the States appear in the fac-simile of the original. The names of the signers of each State are grouped together in the fac-simile of the original, except the name of Mathew Thornton, which follows that of Oliver Wolcott."

CHAPTER IX.

CONSTITUTION OF THE UNITED STATES—1787

We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Sec. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Sec. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

Sec. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may ad-

journal from day to day, and may be authorized to compel the Attendance of Absent Members, in such Manner, and under such Penalties as each House may provide.

Sec. 6. The Senators and Representatives shall receive a Compensation for their services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Sec. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other bills.

Sec. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each person.

Sec. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque or Reprisal; coin

Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Sec. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

Sec. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care

that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Sec. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Sec. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Sec. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Sec. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

Sec. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature can not be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner effect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent,

shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousands seven hundred and Eighty seven, and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names,

G^o: WASHINGTON—

Presidt. and Deputy from Virginia

New Hampshire

John Langdon,
Nicholas Gilman.

Massachusetts

Nathaniel Gorham,
Rufus King.

Connecticut

Wm. Saml. Johnson,
Roger Sherman.

New York

Alexander Hamilton.

New Jersey

Wil: Livingston,
David Brearley,
Wm. Paterson,
Jona: Dayton.

Delaware

Geo: Read,
Gunning Bedford, Jun.,
John Dickinson,
Richard Bassett,
Jaco: Broom.

Pennsylvania

B. Franklin,
 Thomas Mifflin,
 Robt. Morris,
 Geo. Clymer,
 Thos. Fitzsimons,
 Jared Ingersoll,
 James Wilson,
 Gouv Morris.

Maryland

James McHenry,
 Dan of St. Thos. Jenifer,
 Danl. Carroll.

Virginia

John Blair,
 James Madison, Jr.

North Carolina

Wm. Blount,
 Richd. Dobbs Spaight,
 Hu Williamson.

South Carolina

J. Rutledge,
 Charles Cotesworth Pinckney,
 Charles Pinckney,
 Pierce Butler.

Georgia

William Few,
 Abr. Baldwin,

Attest: WILLIAM JACKSON, Sec'y.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assem-

ble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be siezed.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law,

and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII

In suits at common law, where the value of controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballot the person voted for as Vice-President, and of all persons voted for as Vice-President, and of the number of

votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII

Section 1. Neither slavery nor involun-

untary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

CHAPTER X.

THE ORDINANCE OF 1787

Section 1. *Be it ordained by the United States in Congress assembled*, That the said territory, for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Sec. 2. *Be it ordained by the authority aforesaid*, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to be next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age), and attested by three witnesses; and

real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincent, and the neighboring villages, who have hertofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Sec. 3. *Be it ordained by the authority aforesaid*, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

Sec. 4. There shall be appointed from time to time, by Congress, a secretary, whose commisison shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and

the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

Sec. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

Sec. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Sec. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

Sec. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process,

criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

Sec. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor they shall receive authority with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided*, That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: *Provided*, That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also*, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

Sec. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

Sec. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when, in his opinion, it shall be expedient.

Sec. 12. The governor, judges, legisla-

tive council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

Sec. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

Sec. 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

ARTICLE II

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of ju-

dicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, *bona fide*, and without fraud previously formed.

ARTICLE III

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress

assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of

the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided,* The constitution and government, so to be formed, shall be republican, and in

conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed, and declared null and void.

Done by the United States in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

CHAPTER XI.

CONSTITUTION OF OHIO

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

ARTICLE I Bill of Rights.

Section 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety. (*See Const. 1802, Art. VIII, § I.*)

Sec. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly. (*See Const. 1802, Art. VIII, § I.*)

Sec. 3. The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives; and to petition the general assembly for the redress of grievances. (*See Const. 1802, Art. VIII, § 19.*)

Sec. 4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power. (*See Const. 1802, Art. VIII, § 20.*)

Sec. 5. The right of trial by jury shall be inviolate, except that, in civil cases,

laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury. (As amended September 3, 1912.)

Sec. 6. There shall be no slavery in this State; nor involuntary servitude, unless for the punishment of crime. (*See Const. 1802, Art. VIII, § 2.*)

Sec. 7. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction. (*See Const. 1802, Art. VIII, §§ 3, 25.*)

Sec. 8. The privilege of the writ of habeas corpus shall not be suspended, unless, in cases of rebellion or invasion, the public safety require it. (*See Const. 1802, Art. VIII, § 12.*)

Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offences where the proof is evident or the presumption great. Excessive bail shall

not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted. (*See Const. 1802, Art. VIII, §§ 12, 13.*)

Sec. 10. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or other infamous, crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witness face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the State, to be used for or against the accused, of any witness whose attendance cannot be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be made the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense. (As amended September 3, 1912.)

Sec. 11. Every citizen may freely speak, write, and publish his sentiments on all

subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted. *See Const. 1802, Art VIII, § 6.*)

Sec. 12. No person shall be transported out of the State, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate. (*See Const. 1802, Art. VIII, §§ 16, 17.*)

Sec. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law. (*See Const. 1802, Art. VIII, § 22.*)

Sec. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized. (*See Const. 1802, Art. VIII, § 5.*)

Sec. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud. (*See Const. 1802, Art. VIII, § 15.*)

Sec. 16. All courts shall be open and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the State, in such courts and in such manner, as may be provided by law. (As Amended September 3, 1912.)

Sec. 17. No hereditary emoluments, honors, or privileges, shall ever be granted

or conferred by this State. (*See Const. 1802, Art. VIII, § 24.*)

Sec. 18. No power of suspending laws shall ever be exercised, except by the General Assembly. (*See Const. 1802, Art. VIII, § 9.*)

Sec. 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner. (*See Const. 1802, Art. VIII, § 4.*)

Sec. 19a. The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law. (Adopted September 3, 1912.)

Sec. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people. (*See Const. 1802, Art. VIII, § 28.*)

ARTICLE II

Sec. 1. The legislative power of the State shall be vested in a General Assembly consisting of a Senate and House of Representatives, but the people reserve to themselves the power to propose to the General Assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, section of any law, or any item in any law appropriating money passed by the General Assembly, except as hereinafter provided, and independent of the General

Assembly to propose amendments to the constitution and to adopt or reject the same at the polls. The limitations expressed in the constitution, on the power of the General Assembly to enact laws, shall be deemed limitations on the power of the people to enact laws. (As amended September 3, 1912.)

Sec. 1a. The first aforesated power reserved by the people is designated the initiative and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary or state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors." (Adopted September 3, 1912.)

Sec. 1b. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended

form, or if no action shall be taken thereon within four months from the time it is received by the general assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection at the next regular or general election, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed law shall have been rejected by the general assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the general assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted in the form demanded by such supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches of the general assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the general assembly, and such amended law passed by the general assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in section 1a and section 1b, if approved by a majority of the electors voting

thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor. (Adopted September 3, 1912.)

Sec. 1c. The second aforesated power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be received upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item in any law appropriating money passed by the general assembly. No law passed by the general assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, except as herein provided. When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed by the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection such law, section or item, in the manner herein provided, at the next succeeding regular or general election in any year occurring subsequent to sixty days after the filing of such petition, and no such law, section or item shall go into effect until and unless approved by a majority of those voting upon the

same. If, however, a referendum petition is filed against any such section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect. (Adopted September 3, 1912.)

Sec. 1d. Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect. Such emergency laws upon a ye and nay vote must receive the vote of two-thirds of all the members elected to each branch of the general assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon. The laws mentioned in this section shall not be subject to the referendum. (Adopted September 3, 1912.)

Sec. 1e. The powers defined herein as the "initiative" and "referendum" shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property. (Adopted September 3, 1912.)

Sec. 1f. The initiative and referendum powers are hereby reserved to the people of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action; such powers shall be exercised in the manner now or hereafter provided by law. (Adopted September 3, 1912.)

Sec. 1g. Any initiative, supplementary or referendum petition may be presented in separate parts, but each part shall contain a full and correct copy of the title and text of the law, section or item thereof sought to be referred, or the proposed law

or proposed amendment to the constitution. Each signer of any initiative, supplementary or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the township and county in which he resides. A resident of a municipality shall state in addition to the name of such municipality, the street and number, if any, of his residence and the ward and precinct in which the same is located. The names of all signers to such petitions shall be written in ink, each signer for himself. To each part of such petition shall be attached the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of the signers of such part of such petition and shall state that each of the signatures attached to such part was made in the presence of the affiant that to the best of his knowledge and belief each signature on such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed it to be electors, that they so signed said petition with knowledge of the contents thereof, that each signer signed the same on the date stated opposite his name; and no other affidavit thereto shall be required. The petition and signatures upon such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than forty days before the election, it shall be otherwise proved and in such event ten additional days shall be allowed for the filing of additional signatures to such petition. No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor

shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentages of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The secretary of state shall cause to be printed the law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, and shall mail, or otherwise distribute, a copy of such law, or proposed law, or proposed amendment to the constitution, together with such arguments and explanations for and against the same to each of the electors of the state, as far as may be reasonably possible. Unless otherwise provided by law, the secretary of state shall cause to be placed upon the ballots,

the title of any such law, or proposed law, or proposed amendment to the constitution, to be submitted. He shall also cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be It Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved. (Adopted September 3, 1912.)

Sec. 2. Senators and representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November; their term of office shall commence on the first day of January next thereafter, and continue two years. (*As amended October 13, 1885: 82 v. 446.*)

Sec. 3. Senators and representatives shall have resided in their respective counties, or districts, one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this state. (*See Const. 1802, Art. I, §§ 4, 7.*)

Sec. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in, the general assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or offi-

cers of the militia. (*See Const. 1802, Art. I, § 26.*)

Sec. 5. No person hereafter convicted of an embezzlement of the public funds, shall hold any office in this state; nor shall any person, holding public money for disbursement, or otherwise, have a seat in the general assembly, until he shall have accounted for, and paid such money into the treasury. (*See Const. 1802, Art. I, § 28.*)

Sec. 6. Each house shall be judge of the election, returns, and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as shall be prescribed by law. (*See Const. 1802, Art. I, § 8.*)

Sec. 7. The mode of organizing the house of representatives, at the commencement of each regular session, shall be prescribed by law. (*See Const. 1802, Art. I, § 8.*)

Sec. 8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and, with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all powers necessary to provide for its safety and the undisturbed transaction of its business, and to obtain, through committees or otherwise, information affecting legislative action under consideration or in contemplation, or with reference to any alleged breach of its privileges or misconduct of its members, and to that end to enforce the attendance and testimony of witnesses, and the production of books and papers. (As amended September 3, 1912.)

Sec. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two

members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed in either house, without the concurrence of a majority of all the members elected thereto. (*See Const. 1802, Art. I, § 9.*)

Sec. 10. Any member of either house shall have the right to protest against any act, or resolution thereof, and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal. (*See Const. 1802, Art. I, § 10.*)

Sec. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law. (*See Const. 1802, Art. I, § 12.*)

Sec. 12. Senators and representatives, during the session of the general assembly, and in going to, and returning from the same, shall be privileged from arrest, in all cases, except treason, felony, or breach of the peace; and for any speech, or debate, in either house, they shall not be questioned elsewhere. (*See Const. 1802, Art. I, § 13.*)

Sec. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy. (*See Const. 1802, Art. I, § 15.*)

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that, in which the two houses shall be in session. (*See Const. 1802, Art. I, § 15.*)

Sec. 15. Bills may originate in either house; but may be altered, amended or rejected in the other. (*See Const. 1802, Art. I, § 16.*)

Sec. 16. Every bill shall be fully and distinctly read on three different days,

unless in case of urgency three-fourths of the house in which it shall be pending, shall dispense with the rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived, or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed. Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor for his approval. If he approves, he shall sign it and thereupon it shall become a law and be filed with the secretary of state. If he does not approve it, he shall return it with his objections in writing, to the house in which it originated, which shall enter the objections at large upon its journal, and may then reconsider the vote on its passage. If three-fifths of the members elected to that house vote to repass the bill, it shall be sent, with the objections of the governor, to the other house, which may also reconsider the vote on its passage. If three-fifths of the members elected to that house vote to repass it, it shall become a law notwithstanding the objections of the governor, except that in no case shall a bill be repassed by a smaller vote than is required by the constitution on its original passage. In all such cases the vote of each house shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered upon the journal. If a bill shall not be returned to the governor within ten days, Sundays excepted, after being presented to him, it shall become a law in like manner as if he had signed it, unless the general assembly by adjournment prevents its return; in which case, it shall become a law unless, within ten days after such adjournment, it shall be filed by him with his objections in writing, in the office of the secretary of state. The governor may disapprove any item or items in any bill making an appro-

priation of money and the item or items, so disapproved, shall be void, unless repassed in the manner herein prescribed for the repassage of a bill. (As amended September 3, 1912.)

Sec. 17. The presiding officer of each house shall sign, publicly in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the general assembly. (*See Const. 1802, Art. I, § 17.*)

Sec. 18. The style of the laws of this state shall be, "*Be it enacted by the General Assembly of the State of Ohio.*" (*See Const. 1802, Art I, § 18.*)

Sec. 19. No senator or representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this state, which shall be created or the emoluments of which shall have been increased, during the term for which he shall have been elected. (*See Const. 1802, Art. I, § 20.*)

Sec. 20. The general assembly, in cases not provided for in this constitution, shall fix the term of office for the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

Sec. 21. The general assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

Sec. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years. (*See Const. 1802, Art. I, § 21.*)

Sec. 23. The house of representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the senate; and the senators,

when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators. (*See Const. 1802, Art. I, § 23.*)

Sec. 24. The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law. (*See Const. 1802, Art. I, § 24.*)

Sec. 25. All regular sessions of the general assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two. (*See Const. 1802, Art. I, § 25.*)

Sec. 26. All laws, of a general nature, shall have a uniform operation throughout the state; nor, shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the general assembly, except, as otherwise provided in this constitution.

Sec. 27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the general assembly, except as prescribed in this constitution, and in the election of United States senators; and in these cases the vote shall be taken "*viva voce*."

Sec. 28. The general assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing

omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this state. (*See Const. 1802, Art. VIII, § 16.*)

Sec. 29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the general assembly.

Sec. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that purpose; but no town or city within the same shall be divided nor shall either of the divisions contain less than twenty thousand inhabitants. (*See Const. 1802, Art. VII, § 3.*)

Sec. 31. The members and officers of the general assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

Sec. 32. The general assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

Sec. 33. Laws may be passed to secure

to mechanics, artisans, laborers, sub-contractors and material men, their just dues by direct lien upon the property, upon which they have bestowed labor or for which they have furnished material. No other provision of the constitution shall impair or limit this power. (Adopted September 3, 1912.)

Sec. 34. Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety and general welfare of all employes; and no other provision of the constitution shall impair or limit this power. (Adopted September 3, 1912.)

Sec. 35. For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund to be created by compulsory contribution thereto by employers, and administered by the upon which payment shall be made therefrom, and taking away any or all rights of action or defences from employes and employers; but no right of action shall be taken away from any employe when the injury, disease or death arises from failure of the employer to comply with any lawful requirement for the protection of the lives, health and safety of employes. Laws may be passed establishing a board which may be empowered to classify all occupations, according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto. (Adopted September 3, 1912.)

Sec. 36. Laws may be passed to encourage forestry, and to that end areas devoted exclusively to forestry may be exempted, in whole or in part, from taxation. Laws may also be passed to provide for converting into forest reserves such

lands or parts of lands as have been or may be forfeited to the state, and to authorize the acquiring of other lands for that purpose; also, to provide for the conservation of the natural resources of the state, including streams, lakes, submerged and swamp lands and the development and regulation of water power and the formation of drainage and conservation districts; and to provide for the regulation of methods of mining, weighing, measuring and marketing coal, oil, gas and other minerals. (Adopted September 3, 1912.)

Sec. 37. Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the state, or any political sub-division thereof, whether done by contract, or otherwise. (Adopted September 3, 1912.)

Sec. 38. Laws shall be passed providing for the prompt removal from office, upon complaint and hearing, of all officers, including state officers, judges and members of the general assembly, for any misconduct involving moral turpitude or for other cause provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution. (Adopted September 3, 1912.)

Sec. 39. Laws may be passed for the regulation of the use of expert witnesses and expert testimony in criminal trials and proceedings. (Adopted September 3, 1912.)

Sec. 40. Laws may be passed providing for a system of registering, transferring, insuring and guaranteeing land titles by the state or by the counties thereof, and for settling and determining adverse or other claims to and interests in, lands the titles to which are so registered, insured or guaranteed, and for the creation and collection of guaranty funds by fees to be

assessed against lands, the titles to which are registered; and judicial powers with right of appeal may by law be conferred upon county recorders or other officers in matters arising under the operation of such system. (Adopted September 3, 1912.)

Sec. 41. Laws shall be passed providing for the occupation and employment of prisoners sentenced to the several penal institutions and reformatories in the state; and no person in any such penal institution or reformatory while under sentence thereto, shall be required or allowed to work at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be sold, farmed out, contracted or given away; and goods made by persons under sentence to any penal institution or reformatory without the State of Ohio, and such goods made within the State of Ohio, excepting those disposed of to the state or any political subdivision thereof or to any public institution owned, managed or controlled by the state or any political subdivision thereof, shall not be sold within this state unless the same are conspicuously marked "prison made." Nothing herein contained shall be construed to prevent the passage of laws providing that convicts may work for, and that the products of their labor may be disposed of to, the state or any political sub-division thereof, or for or to any public institution owned or managed and controlled by the state or any political sub-division thereof. (Adopted September 3, 1912.)

ARTICLE III

Executive

Section 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the

places of voting for members of the general assembly. (*As amended October 13, 1885; 82 v. 446.*)

Sec. 2. The governor, lieutenant governor, secretary of state, treasurer, and attorney general shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified. (*See Const. 1802, Art. II, §§ 3, 16.*)

Sec. 3. The returns for every election for the officers named in the foregoing election shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes, for the same office, one of them shall be chosen by the joint vote of both houses. (*See Const. 1802, Art. II, § 2.*)

Sec. 4. Should there be no session of the general assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

Sec. 5. The supreme executive power of this state shall be vested in the governor. (*See Const. 1802, Art. II, § 1.*)

Sec. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed. (*See Const. 1802, Art. II, § 7.*)

Sec. 7. He shall communicate at every

session, by message, to the general assembly, the condition of the state, and recommend such measures as he shall deem expedient. (*See Const. 1802, Art. II, § 4.*)

Sec. 8. The governor on extraordinary occasions may convene the general assembly by proclamation and shall state in the proclamation the purpose for which such special session is called, and no other business shall be transacted at such special session except that named in the proclamation, or in a subsequent public proclamation, or message to the general assembly issued by the governor during said special session, but the general assembly may provide for the expenses of the session and other matter incidental thereto. (As amended September 3, 1912.)

Sec. 9. In case of disagreement between the two houses, in respect to the time of adjournment, he shall have power to adjourn the general assembly to such time as he may think proper, but not beyond the regular meetings thereof. (*See Const. 1802, Art. II, § 11.*)

Sec. 10. He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States. (*See Const. 1802, Art. II, § 10.*)

Sec. 11. He shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the general assembly, at its next meeting, when the general assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the general assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its

date, and the date of the commutation, pardon, or reprieve, with his reasons therefor. (*See Const. 1802, Art. II, § 5.*)

Sec. 12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially; and shall be called "The Great Seal of the State of Ohio." (*See Const. 1802, Art. II, § 14.*)

Sec. 13. All grants and commissions shall be issued in the name, and by the authority, of the state of Ohio; sealed with the great seal; signed by the governor, and countersigned by the secretary of state. (*See Const. 1802, Art. II, § 15.*)

Sec. 14. No member of congress, or other person holding office under the authority of this state, or of the United States, shall execute the office of governor, except as herein provided. (*See Const. 1802, Art. II, § 13.*)

Sec. 15. In case of the death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor. (*See Const. 1802, Art. II, § 12.*)

Sec. 16. The lieutenant governor shall be president of the senate, but shall vote only when the senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the office of governor, the senate shall choose a president *pro tempore*.

Sec. 17. If the Lieutenant Governor, while executing the office of Governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president of the Senate shall act as Governor, until the vacancy is filled, or the disability removed; and if the president of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the speaker of the House of Representatives. (*See Const. 1802, Art. II, § 12.*)

Sec. 18. Should the office of auditor, treasurer, secretary, or attorney general, become vacant, for any of the causes specified in the fifteenth section of this article, the Governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the full term fixed in the second section of this article.

Sec. 19. The officers mentioned in this article shall, at stated times, receive for their services, a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected. (*See Const. 1802, Art. I, § 19.*)

Sec. 20. The officers of the executive department, and of the public State institutions shall, at least five days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports, with his message to the general assembly.

ARTICLE IV

Section 1. The judicial power of the state is vested in a supreme court, courts of appeal, courts of common pleas, courts of probate, and such other courts inferior to the courts of appeals as may from time to time be established by law. (As amended September 3, 1912.)

Sec. 2. The supreme court shall, until otherwise provided by law, consist of a chief justice and six judges, and the judges now in office in that court shall continue therein until the end of the terms for which they were respectively elected, unless they are removed, die or resign. A majority of the supreme court shall be necessary to constitute a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and procedendo, and

appellate jurisdiction in all cases involving questions arising under the constitution of the United States or of this state, in cases of felony on leave first obtained, and in cases which originated in the courts of appeals, and such revisory jurisdiction of the proceedings of administrative officers as may be conferred by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large for such term, not less than six years, as may be prescribed by law, and they shall be elected, and their official term shall begin, at such time as may now or hereafter be fixed by law. Whenever the judges of the supreme court shall be equally divided in opinion as to the merits of any case before them and are unable for that reason to agree upon a judgment, that fact shall be entered upon the record and such entry shall be held to constitute an affirmance of the judgment of the court below. No law shall be held unconstitutional and void by the supreme court without the concurrence of at least all but one of the judges, except in the affirmance of a judgment of the court of appeals declaring a law unconstitutional and void. In case of public or great general interest the supreme court may, within such limitation of time as may be prescribed by law, direct any court of appeals to certify its record to the supreme court, and may review, and affirm, modify or reverse the judgment of the court of appeals. All cases pending in the supreme court at the time of the adoption of this amendment by the people, shall proceed to judgment in the manner provided by existing law. No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the supreme court. (As amended September 3, 1912.)

Sec. 3. One resident judge of the court of common pleas, and such additional resident judge or judges as may be provided

by law, shall be elected in each county of the state by the electors of such county; and as many courts or sessions of the court of common pleas as are necessary, may be held at the same time in any county. Any judge of the court of common pleas may temporarily preside and hold court in any county; and until the general assembly shall make adequate provision therefor, the chief justice of the supreme court of the state shall pass upon the disqualification or disability of any judge of the court of common pleas, and he may assign any judge to any county to hold court therein. (As amended September 3, 1912.)

Sec. 4. The jurisdiction of the courts of common pleas, and of the judges thereof shall be fixed by law. (*See Const.* 1802, *Art. III*, §§ 3, 4, 5, 6.)

Sec. 5. [*Repealed October 9, 1883; 80 v. 382.*]

Sec. 6. The state shall be divided into appellate districts of compact territory bounded by county lines, in each of which there shall be a court of appeals consisting of three judges, and until altered by law the circuits in which the circuit courts are now held shall constitute the appellate districts aforesaid. The judges of the circuit courts now residing in their respective districts shall be the judges of the respective courts of appeals in such districts and perform the duties thereof until the expiration of their respective terms of office. Vacancies caused by the expiration of the terms of office of the judges of the courts of appeals shall be filled by the electors of the respective appellate districts in which such vacancies shall arise. Until otherwise provided by law the term of office of such judges shall be six years. Laws may be passed to prescribe the time and mode of such election and to alter the number of districts or the boundaries thereof, but no such change shall abridge the term of any judge then in office. The court of appeals shall hold at least one term annually in each county in the district and such other terms at a county seat in the

district as the judges may determine upon, and the county commissioners of any county in which the court of appeals shall hold sessions shall make proper and convenient provisions for the holding of such court by its judges and officers. Each judge shall be competent to exercise judicial powers in any appellate district of the state. The courts of appeals shall continue the work of the respective circuit courts and all pending cases and proceedings in the circuit courts shall proceed to judgment and be determined by the respective courts of appeals, and the supreme court, as now provided by law, and cases brought into said courts of appeals after the taking effect hereof shall be subject to the provisions hereof and the circuit courts shall be merged into, and their work continued by, the courts of appeals. The courts of appeals shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and procedendo, and appellate jurisdiction in the trial of chancery cases, and, to review, affirm, modify or reverse the judgment of the courts of common pleas, superior courts and other courts of record within the district as may be provided by law, and judgments of the courts of appeals shall be final in all cases, except cases involving questions arising under the constitution of the United States or of this state, cases of felony, cases of which it has original jurisdiction, and cases of public or great general interest in which the supreme court may direct any court of appeals to certify its record to that court. No judgment of a court of common pleas, a superior court or other court of record shall be reversed except by the concurrence of all the judges of the court of appeals on the weight of the evidence and by a majority of such court of appeals upon other questions; and whenever the judges of a court of appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of appeals of the state, the

judges shall certify the record of the case to the supreme court for review and final determination. The decisions in all cases in the supreme court shall be reported, together with the reasons therefor, and laws may be passed providing for the reporting of cases in the courts of appeals. The chief justice of the supreme court of the state shall determine the disability or disqualification of any judge of the court of appeals and he may assign any judge of the courts of appeals to any county to hold court. (As amended September 3, 1912.)

Sec. 7. There shall be established in each county, a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the electors of the county, who shall hold his office for the term of four years, and shall receive such compensation, payable out of the county treasury, as shall be provided by law. Whenever ten per centum of the number of the electors voting for governor at the next preceding election in any county having less than sixty thousand population as determined by the next preceding federal census, shall petition the judge of the court of common pleas of any such county not less than ninety days before any general election for county officers, the judge of the court of common pleas shall submit to the electors of such county the question of combining the probate court with the court of common pleas, and such courts shall be combined and shall be known as the court of common pleas in case a majority of the electors voting upon such question vote in favor of such combination. Notice of such election shall be given in the same manner as for the election of county officers. Elections may be had in the same manner for the separation of such courts, when once combined. (As amended September 3, 1912.)

Sec. 8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the

accounts of executors, administrators, and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses and for the sale of land by executors, administrators, and guardians, and such other jurisdiction, in any county or counties, as may be provided by law.

Sec. 9. A competent number of justices of the peace shall be elected by the electors in each township in the several counties, until otherwise provided by law. Their term of office shall be for four years and their powers and duties shall be regulated by law: provided that no justice of the peace shall be elected in any township in which a court, other than a mayor's court, is, or may hereafter be, maintained with the jurisdiction of all causes of which justices of the peace have jurisdiction, and no justice of the peace shall have, or exercise jurisdiction in such township.

SCHEDULE.

If the amendment to article IV, sections 1, 2 and 6, be adopted by the electors of this state and become a part of the constitution, then section 9 of article IV of the constitution is repealed, and the foregoing amendment, if adopted, shall be of no effect. (As amended September 3, 1912.)

Sec. 10. All judges, other than those provided for in this constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

Sec. 11. [*Repealed October 9, 1883; 80 v. 382.*]

Sec. 12. The judges of the courts of common pleas shall, while in office, reside in the county for which they are elected; and their term of office shall be for six years. (As amended September 3, 1912.)

Sec. 13. In case the office of any judge shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified; and such

successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Sec. 14. The judges of the supreme court, and of the court of common pleas, shall, at stated times, receive, for their services, such compensation as may be provided by law, which shall not be diminished, or increased, during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit or trust, under the authority of this state, or the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this state, given by the general assembly, or the people, shall be void. (*See Const.* 1802, *Art. III*, § 8.)

Sec. 15. Laws may be passed to increase or diminish the number of judges of the supreme court, to increase beyond one or diminish to one the number of judges of the court of common pleas in any county, and to establish other courts, whenever two-third of the members elected to each house shall concur therein; but no such change, addition or diminution shall vacate the office of any judge; and any existing court heretofore created by law shall continue in existence until otherwise provided. (As amended September 3, 1912.)

Sec. 16. There shall be elected in each county, by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but, the general assembly may provide, by law, for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court, under such regulations as may be directed by law. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law. (*See Const.*

1802, *Art. III*, § 9.)

Sec. 17. Judges may be removed from office, by concurrent resolution of both houses of the general assembly, if two-thirds of the members, elected to each house, concur therein; but, no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.

Sec. 18. The several judges of the supreme court, of the common pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

Sec. 19. The general assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment in any case, except upon submission, by the parties, of the matter in dispute, and their agreement to abide such judgment.

Sec. 20. The style of all process shall be, "The State of Ohio;" all prosecutions shall be carried on, in the name, and by the authority, of the state of Ohio; and all indictments shall conclude, "against the peace and dignity of the state of Ohio." (*See Const.* 1802, *Art. III*, § 12.)

Sec. 22 [21]. A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court, as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being, with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or

pronounce a decision, and its decision shall be certified, entered, and enforced as the judgments of the supreme court, and at the expiration of the term of said commission, all business undisposed of shall by it be certified to the supreme court and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the governor, with the advice and consent of the senate, if the senate be in session, and if the senate be not in session, by the governor, but in such last case, such appointment shall expire at the end of the next session of the general assembly. The general assembly may, on application of the supreme court duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment, in like manner, of a like commission with like powers, jurisdiction and duties; provided, that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years.

ARTICLE V

Section 1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections. (*See Const. 1802, Art. IV, §§ 1, 5.*)

Sec. 2. All elections shall be by ballot. (*See Const. 1802, Art. IV, § 2.*)

Sec. 3. Electors, during their attendance at elections, and in going to, and returning therefrom, shall be privileged

from arrest, in all cases, except treason, felony, and breach of the peace. (*See Const. 1802, Art. IV, § 3.*)

Sec. 4. The general assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime. (*See Const. 1802, Art. IV, § 4.*)

Sec. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military, or naval station, within the state, be considered a resident of this state.

Sec. 6. No idiot, or insane person, shall be entitled to the privileges of an elector.

Sec. 7. All nominations for elective state, district, county and municipal offices shall be made at direct primary elections or by petition as provided by law, and provision shall be made by law for a preferential vote for United States senator; but direct primaries shall not be held for the nomination of township officers or for the officers of municipalities of less than two thousand population, unless petitioned for by a majority of the electors of such township or municipality. All delegates from this state to the national conventions of political parties shall be chosen by direct vote of the electors. Each candidate for such delegate shall state his first and second choices for the presidency, which preferences shall be printed upon the primary ballot below the name of such candidate, but the name of no candidate for the presidency shall be so used without his written authority. (Adopted September 3, 1912.)

ARTICLE VI

EDUCATION.

Section 1. The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or entrusted to this state for educational and religious purposes, shall forever be preserved inviolate, and undiminished; and, the income arising therefrom, shall be faithfully applied to the specific objects of the original grants, or appropriations.

Sec. 2. The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.

Sec. 3. Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds; provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts. (Adopted September 3, 1912.)

Sec. 4. A superintendent of public instruction to replace the state commissioner of common schools, shall be included as one of the officers of the executive department to be appointed by the governor, for the term of four years, with the powers and duties now exercised by the state commissioner of common schools until otherwise provided by law, and with such other powers as may be provided by law.

SCHEDULE.

If the foregoing amendment be adopted by the electors, it shall take effect and become a part of the constitution on the second Monday of July, 1913. (Adopted September 3, 1912.)

ARTICLE VII

PUBLIC INSTITUTIONS.

Section 1. Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the state; and be subject to such regulations as may be prescribed by the general assembly.

Sec. 2. The directors of the penitentiary

shall be appointed or elected in such manner as the general assembly may direct; and the trustees of the benevolent, and other state institutions, now elected by the general assembly, and of such other state institutions, as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays, and entered upon the journals of the senate.

Sec. 3. The governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the general assembly, and, until a successor to his appointee shall be confirmed and qualified.

ARTICLE VIII

PUBLIC DEBT AND PUBLIC WORKS.

Section 1. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money, arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Sec. 2. In addition to the above limited power, the state may contract debts to repel invasion, suppress insurrection, defend the state in war, or to redeem the present outstanding indebtedness of the state; but the money, arising from the contracting of such debts, shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts, incurred to redeem the present outstanding indebtedness of the state, shall be so contracted as to be payable by the sinking fund, herein-

after provided for, as the same shall accumulate.

Sec. 3. Except the debts above specified in sections one and two of this article, no debt whatever shall hereafter be created by or on behalf of the state.

Sec. 4. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual association or corporation whatever; nor shall the state ever hereafter become a joint owner, or stockholder, in any company or association in this state, or elsewhere, formed for any purpose whatever.

Sec. 5. The state shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the state in war.

Sec. 6. No laws shall be passed authorizing any county, city, town or township, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or to loan its credit to, or in aid of, any such company, corporation, or association: provided, that nothing in this section shall prevent the insuring of public buildings or property in mutual insurance associations or companies. Laws may be passed providing for the regulation of all rates charged or to be charged by any insurance company, corporation or association organized under the laws of this state or doing any insurance business in this state for profit. (As amended September 3, 1912.)

Sec. 7. The faith of the state being pledged for the payment of its public debt, in order to provide therefor, there shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and, annually, to reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding, at the rate of six per cent. per annum. The said sinking fund shall con-

sist, of the net annual income of the public works and stocks owned by the state, of any other funds or resources that are, or may be, provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

Sec. 8. The auditor of state, secretary of state, and attorney general, are hereby created a board of commissioners, to be styled, "The Commissioners of the Sinking Fund."

Sec. 9. The commissioners of the sinking fund shall, immediately preceding each regular session of the general assembly, make an estimate of the probable amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same with his regular message, to the general assembly; and the general assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

Sec. 10. It shall be the duty of the said commissioners faithfully to apply said fund, together with all moneys that may be, by the general assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only, the school and trust funds held by the state.

Sec. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall, immediately, cause the same to be published, and shall also communicate the same to the general assembly, forthwith, if it be in session, and if not, then at its first session after such report shall be made.

Sec. 12. So long as this state shall have public works which require superintendence, a superintendent of public works

shall be appointed by the governor for the term of one year, with the powers and duties now exercised by the board of public works until otherwise provided by law, and with such other powers as may be provided by law. (As amended September 3, 1912.)

Sec. 13. [Repealed September 3, 1912.]

ARTICLE IX

MILITIA.

Section 1. All white male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the constitution and laws of the United States, as may be prescribed by law.

Sec. 2. Majors general, brigadiers general, colonels, lieutenant colonels, majors, captains, and subalterns, shall be elected by the persons subject to military duty, in their respective districts. (See *Const.* 1802, *Art.* V.)

Sec. 3. The governor shall appoint the adjutant general, quartermaster general, and such other staff officers, as may be provided for by law. Majors general, brigadiers general, colonels, or commandants of regiments, battalions, or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians. (See *Const.* 1802, *Art.* V.)

Sec. 4. The governor shall commission all officers of the line and staff, ranking as such; and shall have power to call forth the militia, to execute the laws of the state, to suppress insurrection, and repel invasion. (See *Const.* 1802, *Art.* V.)

Sec. 5. The general assembly shall provide, by law, for the protection and safe keeping of the public arms.

ARTICLE X

COUNTY AND TOWNSHIP ORGANIZATIONS.

Section 1. The general assembly shall provide, by law, for the election of such

county and township officers as may be necessary. (See *Const.* 1802, *Art.* VI, §§ 1, 3.)

Sec. 2. County officers shall be elected on the first Tuesday after the first Monday in November, by the electors of each county in such manner, and for such term, not exceeding three years, as may be provided by law. (As amended October 13, 1885; 82 v. 446.)

Sec. 3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years, in any period of six years. (See *Const.* 1802, *Art.* VI, § 1.)

Sec. 4. Township officers shall be elected by the electors of each township, at such time, in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified. (As amended October 13, 1885; 82 v. 449.)

Sec. 5. No money shall be drawn from any county or township treasury, except by authority of law.

Sec. 6. Justices of the peace, and county and township officers may be removed, in such manner and for such cause, as shall be prescribed by law.

Sec. 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation, for police purposes, as may be prescribed by law.

ARTICLE XI

APPORTIONMENT

Section 1. The apportionment of this state for members of the general assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the state, as ascertained by the federal census, or in such other mode as the general assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the house of representatives,

for ten years next succeeding such apportionment.

Sec. 2. Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ratio, shall be entitled to three representatives; and so on, requiring after the first two, an entire ratio for each additional representative. Provided, however, that each county shall have one representative. (*As amended November 3, 1902; 95 v. 967.*)

Sec. 3. When any county shall have a fraction above the ratio, so large, that being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second, and first sessions, respectively; if four, to the fourth, third, second, and first sessions, respectively.

Sec. 4. Any county, forming with another county or counties, a representative district, during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a representative; but no such change shall be made, except at the regular decennial period for the apportionment of representatives.

Sec. 5. If, in fixing any subsequent ratio, a county, previously entitled to a separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it, having

the least number of inhabitants; and the representation of the district, so formed, shall be determined as herein provided.

Sec. 6. The ratio for a senator shall forever, hereafter, be ascertained by dividing the whole population of the state by the number thirty-five.

Sec. 7. The state is hereby divided into thirty-three senatorial districts, as follows: The county of Hamilton shall constitute the first senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton, and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto, and Jackson, the seventh; Lawrence, Gallia, Meigs, and Vinton, the eighth; Athens, Hocking, and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign, and Madison, the eleventh; Miami, Darke, and Shelby, the twelfth; Logan, Union, Marion and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake, and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, and Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance, and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry, and Putnam, the thirty-third. For the first decennial period, after the adoption of this constitution, each of said districts shall be entitled to one senator, except the

first district, which shall be entitled to three senators.

Sec. 8. The same rules shall be applied, in apportioning the fractions of senatorial districts, and in annexing districts, which may hereafter have less than three-fourths of a senatorial ratio, as are applied to representative districts.

Sec. 9. Any county forming part of a senatorial district, having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district, at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

Sec. 10. For the first ten years, after the year one thousand eight hundred and fifty-one, the apportionment of representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation, as herein established, or, in the senatorial districts, except as above provided. All territory, belonging to a county at the time of any apportionment, shall, as to the right of representation and suffrage, remain an integral part thereof, during the decennial period.

Sec. 11. The governor, auditor, and secretary of state, or any two of them, shall, at least six months prior to the October election, in the year one thousand eight hundred and sixty-one, and, at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years within the next ensuing ten years, and the governor shall cause the same to be published, in such manner as shall be directed by law.

JUDICIAL APPORTIONMENT.

Sec. 12. For judicial purposes, the state shall be apportioned as follows:

The county of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein may hold

separate courts or separate sittings of the same court at the same time.

The counties of Butler, Preble and Darke shall constitute the first subdivision; Montgomery, Miami and Champaign, the second; and Warren, Clinton, Greene and Clark, the third subdivision of the second district; and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union and Marion shall constitute the first subdivision; Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry and Fulton, the second; and Wood, Seneca, Hancock, Wyandot and Crawford, the third subdivision of the third district; and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie and Huron shall constitute the first subdivision; Lorain, Medina and Summit, the second; and the county of Cuyahoga, the third subdivision of the fourth district; and, together, shall form such district.

The counties of Clermont, Brown and Adams shall constitute the first subdivision; Highland, Ross and Fayette, the second; and Pickaway, Franklin and Madison, the third subdivision of the fifth district; and, together, shall form such district.

The counties of Licking, Knox and Delaware shall constitute the first subdivision; Morrow, Richland and Ashland, the second; and Wayne, Holmes and Coshocton, the third subdivision of the sixth district; and, together, shall form such district.

The counties of Fairfield, Perry and Hocking shall constitute the first subdivision; Jackson, Vinton, Pike, Scioto and Lawrence, the second; and Gallia, Meigs, Athens and Washington, the third subdivision of the seventh district; and, together, shall form such district.

The counties of Muskingum and Morgan shall constitute the first subdivision; Guernsey, Belmont and Monroe, the second; and Jefferson, Harrison and Tus-

carawas, the third subdivision of the eighth district; and, together, shall form such district.

The counties of Stark, Carroll and Columbiana shall constitute the first subdivision; Trumbull, Portage and Mahoning, the second; and Geauga, Lake and Ashtabula, the third subdivision of the ninth district; and, together, shall form such district.

Sec. 13. The general assembly shall attach any new counties, that may hereafter be erected, to such districts, or subdivisions thereof, as shall be most convenient.

ARTICLE XII

FINANCE AND TAXATION.

Section 1. No poll tax shall ever be levied in this state, or service required, which may be commuted in money or other thing of value. (As amended September 3, 1912.)

Sec. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, excepting all bonds at present outstanding of the state of Ohio or of any city, village, hamlet, county, or township in this state or which have been issued in behalf of the public schools in Ohio and the means of instruction in connection therewith, which bonds so at present outstanding shall be exempt from taxation; but burying grounds, public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value five hundred dollars, for each individual, may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained

and published as may be directed by law. (Amended September 3, 1912.)

Sec. 3. The general assembly shall provide, by law, for taxing the notes and bills discounted or purchased, moneys loaned, and all other property,¹ effects, or dues, of every description (without deduction),² of all banks, now existing, or hereafter created, and of all bankers,³ so that all property employed in banking, shall always bear a burden of taxation, equal to that imposed on the property of individuals.⁴

Sec. 4. The general assembly shall provide for raising revenue, sufficient to defray the expenses of the state, for each year, and also a sufficient sum to pay the interest on the state debt.

Sec. 5. No tax shall be levied, except in pursuance of law; and every law imposing a tax, shall state, distinctly, the object of the same, to which only it shall be applied.

Sec. 6. Except as otherwise provided in this constitution the state shall never contract any debt for purposes of internal improvement. (As amended September 3, 1912.)

Sec. 7. Laws may be passed providing for the taxation of the right to receive, or to succeed to, estates, and such taxation may be uniform or it may be so graduated as to tax at a higher rate the right to receive, or to succeed to, estates of larger value than to estates of smaller value. Such tax may also be levied at different rates upon collateral and direct inheritances, and a portion of each estate not exceeding twenty thousand dollars may be exempt from such taxation. (Adopted September 3, 1912.)

Sec. 8. Laws may be passed providing for the taxation of incomes, and such taxation may be either uniform or graduated, and may be applied to such incomes as may be designated by law; but a part of each annual income not exceeding three thousand dollars may be exempt from such taxation. (Adopted September 3, 1912.)

Sec. 9. Not less than fifty per centum of the income and inheritance taxes that may

be collected by the state shall be returned to the city, village or township in which said income and inheritance tax originate. (Adopted September 3, 1912.)

Sec. 10. Laws may be passed providing for excise and franchise taxes and for the imposition of taxes upon the production of coal, oil, gas and other minerals. (Adopted September 3, 1912.)

Sec. 11. No bonded indebtedness of the state, or any political subdivisions thereof, shall be incurred or renewed, unless, in the legislation under which such indebtedness is incurred or renewed, provision is made for levying and collecting annually by taxation an amount sufficient to pay the interest on said bonds, and to provide a sinking fund for their final redemption at maturity. (Adopted September 3, 1912.)

ARTICLE XIII CORPORATIONS.

Section 1. The general assembly shall pass no special act conferring corporate powers.

Sec. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Corporations may be classified and there may be conferred upon proper boards, commissioners or officers, such supervisory and regulatory powers over their organization, business and issue and sale of stocks and securities, and over the business and sale of the stocks and securities of foreign corporations and joint stock companies in this state, as may be prescribed by law. Laws may be passed regulating the sale and conveyance of other personal property, whether owned by a corporation, joint stock company or individual. (As amended September 3, 1912.)

Sec. 3. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her; except that stockholders of corporations authorized to receive money

on deposit shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporations, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. No corporation not organized under the laws of this state, or of the United States, or person, partnership or association shall use the word "bank," "banker" or "banking," or words of similar meaning in any foreign language, as a designation or name under which business may be conducted in this state unless such corporation, person, partnership or association shall submit to inspection, examination and regulation as may hereafter be provided by the laws of this state. (As amended September 3, 1912.)

Sec. 4. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

Sec. 5. No right of way shall be appropriated to the use of any corporation, until full compensation therefore be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

Sec. 6. The general assembly shall provide for the organization of cities and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.

Sec. 7. No act of the general assembly, authorizing associations with banking powers, shall take effect until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

ARTICLE XIV.

JURISPRUDENCE.

Section 1. The general assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

Sec. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for the administration of justice by a uniform mode of proceeding, without reference to any distinction between law and equity.

Sec. 3. The proceedings of the commissioners shall, from time to time, be reported to the general assembly, and be subject to the action of that body.

ARTICLE XV

MISCELLANEOUS.

Section 1. Columbus shall be the seat of government, until otherwise directed by law. (*See Const. 1802, Art. VII, § 4.*)

Sec. 2. The printing of the laws, journals, bills, legislative documents and papers for each branch of the general assembly, with the printing required for the executive and other departments of state, shall be let, on contract, to the lowest responsible bidder, or done directly by the state in such manner as shall be prescribed by law. All stationery and supplies shall be purchased as may be provided by law. (Amended September 3, 1912.)

Sec. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

Sec. 4. No person shall be elected or appointed to any office in this state, unless

he possess the qualifications of an elector.

Sec. 5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry, a challenge therefor, shall hold any office in this state.

Sec. 6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this state.

Sec. 7. Every person chosen or appointed to any office under this state, before entering upon the discharge of his duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this state, and also an oath of office. (*See Const. 1802, Art. VII, § 1.*)

Sec. 8. There may be established, in the secretary of state's office, a bureau of statistics, under such regulations as may be prescribed by law.

Sec. 9. License to traffic in intoxicating liquors shall be granted in this state, and license laws operative throughout the state shall be passed with such restrictions and regulations as may be provided by law, and municipal corporations shall be authorized by general laws to provide for the limitation of the number of saloons. Laws shall not be passed authorizing more than one saloon in each township or municipality of less than five hundred population, or more than one saloon for each five hundred population in other townships and municipalities. Where the traffic is or may be prohibited under laws applying to counties, municipalities, townships, residence districts, or other districts now prescribed by law, the traffic shall not be licensed in any such local subdivision while any prohibitory law is operative therein, and nothing herein contained shall be so construed as to repeal, modify or suspend any such prohibitory laws, or any regulatory laws now in force or hereafter enacted, or to prevent the future enactment, modification or repeal of any prohibitory or regulatory laws. License to traffic in intoxicating liquors shall not be granted to any person who at the time of making application

therefor is not a citizen of the United States and of good moral character. License shall not be granted to any applicant who is in any way interested in the business conducted at any other place where intoxicating liquors are sold or kept for sale as a beverage, nor shall such license be granted unless the applicant or applicants are the only persons in any way pecuniarily interested in the business for which the license is sought, and no other person shall be in any way interested therein during the continuance of the license; if such interest of such person shall appear, the license shall be deemed revoked. If any licensee is more than once convicted for a violation of the laws in force to regulate the traffic in intoxicating liquors, his license shall be deemed revoked, and no license shall thereafter be granted to him. License to traffic in intoxicating liquors shall not be granted unless the place of traffic under such license shall be located in the county in which the person or persons reside whose duty it is to grant such license, or in a county adjoining thereto. The word "saloon" as used in this section is defined to be a place where intoxicating liquors are sold, or kept for sale, as a beverage in quantities less than one gallon.

INTOXICATING LIQUORS.

	For License to traffic in intoxicating liquors.
	Against License to traffic in intoxicating liquors.

The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words "For License" if he desires to vote in favor of the article above mentioned, and opposite the words "Against License" within the blank space if he desires to vote against said article.

If a cross-mark is placed opposite both phrases or neither phrase, then the vote upon the subject shall not be counted.

If the votes for license shall exceed the votes against license, then the article above mentioned shall become section 9 of article XV of the constitution, and the present section 9 of said article, also known as section 18 of the schedule, shall be repealed. (As amended September 3, 1912.)

Sec. 10. Appointments and promotions in the civil service of the state, the several counties and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision. (Adopted September 3, 1912.)

ARTICLE XVI.

AMENDMENTS.

Section 1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be submitted to the electors, for their approval or rejection, on a separate ballot, without party designation of any kind, at either a special or a general election, as the general assembly may prescribe. Such proposed amendments shall be published once a week for five consecutive weeks preceding such election, in at least one newspaper in each county of the state where a newspaper is published. If the majority of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately. (As amended September 3, 1912.)

Sec. 2. Whenever two-thirds of the members elected to each branch of the general assembly shall think it necessary

to call a convention, to revise, amend or change this constitution, they shall recommend to the electors to vote on a separate ballot, without party designation of any kind, at the next election for members to the general assembly, for or against a convention; and if a majority of all the electors, voting for and against the calling of a convention, shall have voted for a convention, the general assembly shall, at their next session, provide, by law, for calling the same. Candidates for members of the constitutional convention shall be nominated by nominating petitions only and shall be voted for upon one independent and separate ballot, without any emblem or party designation whatever. The convention shall consist of as many members as the house of representatives, who shall be chosen as provided by law, and shall meet within three months after their election for the purpose aforesaid. (As amended September 3, 1912.)

Sec. 3. At the general election to be held in the year one thousand nine hundred and thirty-two, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter or amend the constitution," shall be submitted to the electors of the state; and in case a majority of the electors, voting for and against the calling of a convention, shall decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the state and adopted by a majority of those voting thereon. (As amended September 3, 1912.)

ARTICLE XVII.

ELECTIONS.

Section 1. Elections for state and county officers shall be held on the first

Tuesday after the first Monday in November in the even numbered years; and all elections for all other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years. [As adopted November 7, 1905; 97 v. 640.]

Sec. 2. The term of office of the governor, lieutenant governor, attorney-general, secretary of state, and treasurer of state shall be two years, and that of the auditor of state shall be four years. The term of office of judges of the supreme court and circuit courts shall be such even number of years not less than six (6) years as may be prescribed by the general assembly; that of the judges of the common pleas court six (6) years, and of the judges of the probate court four (4) years, and that of other judges shall be such even number of years not exceeding six (6) years as may be prescribed by the general assembly. The term of office of justices of the peace shall be such even number of years not exceeding four (4) years, as may be prescribed by the general assembly. The term of office of the members of the board of public works shall be such even number of years not exceeding six (6) years, as may be so prescribed; and the term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.

And the general assembly shall have power to so extend existing terms of office as to affect the purpose of section 1 of this article.

Any vacancy which may occur in any elective state office other than that of a member of the general assembly or of governor, shall be filled by appointment by the governor until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election for the office which is vacant that occurs more than thirty (30) days after the vacancy shall have occurred. The person elected shall

fill the office for the unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law. [As adopted November 7, 1905; 97 v. 641.]

Sec. 3. Every elective officer holding office when this amendment is adopted shall continue to hold such office for the full term for which he was elected, and until his successor shall be elected and qualified as provided by law. [As adopted November 7, 1905; 97 v. 641.]

ARTICLE XVIII.

MUNICIPAL CORPORATIONS.

Section 1. Municipal corporations are hereby classified into cities and villages. All such corporations having a population of five thousand or over shall be cities; all others shall be villages. The method of transition from one class to the other shall be regulated by law. (Adopted September 3, 1912.)

Sec. 2. General laws shall be passed to provide for the incorporation and government of cities and villages; and additional laws may also be passed for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of those voting thereon, under regulations to be established by law. (Adopted September 3, 1912.)

Sec. 3. Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as are not in conflict with general laws. (Adopted September 3, 1912.)

Sec. 4. Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the product of service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service. The

acquisition of any such public utility may be by condemnation or otherwise, and a municipality may acquire thereby the use of, or full title to, the property and franchise of any company or person supplying to the municipality or its inhabitants the service or product of any such utility. (Adopted September 3, 1912.)

Sec. 5. Any municipality proceeding to acquire, construct, own, lease or operate a public utility, or to contract with any person or company therefor, shall act by ordinance, and no such ordinance shall take effect until after thirty days from its passage. If within said thirty days a petition signed by ten per centum of the electors of the municipality shall be filed with the executive authority thereof demanding a referendum on such ordinance, it shall not take effect until submitted to the electors and approved by a majority of those voting thereon. The submission of any such question shall be governed by all the provisions of section 8 of this article as to the submission of the question of choosing a charter commission. (Adopted September 3, 1912.)

Sec. 6. Any municipality, owning or operating a public utility for the purpose of supplying the service or product thereof to the municipality or its inhabitants, may also sell and deliver to others any transportation service of such utility and the surplus product of any other utility in an amount not exceeding in either case fifty per centum of the total service or product supplied by such utility within the municipality. (Adopted September 3, 1912.)

Sec. 7. Any municipality may frame and adopt or amend a charter for its government, and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government. (Adopted September 3, 1912.)

Sec. 8. The legislative authority of any city or village may, by a two-thirds vote of its members, and upon petition of ten per centum of the electors, shall forthwith provide by ordinance for the submission to

the electors of the question, "Shall a commission be chosen to frame a charter?" The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election, if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a commission to frame a charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the charter commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the municipality in so far as not prescribed by general law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed charter to each elector whose name appears upon the poll or registration books of the last regular or general election held therein. If such proposed charter is approved by a majority of the electors voting thereon, it shall become the charter of such municipality at the time fixed therein. (Adopted September 3, 1912.)

Sec. 9. Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and, upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors shall be governed by the require-

ments of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments shall be mailed to the electors as hereinbefore provided for copies of a proposed charter. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state within thirty days after adoption by a referendum vote. (Adopted September 3, 1912.)

Sec. 10. A municipality appropriating or otherwise acquiring property for public use may in furtherance of such public use appropriate or acquire an excess over that actually to be occupied by the improvement, and may sell such excess with such restrictions as shall be appropriate to preserve the improvement made. Bonds may be issued to supply the funds in whole or in part to pay for the excess property so appropriated or otherwise acquired, but said bonds shall be a lieu only against the property so acquired for the improvement and excess, and they shall not be a liability of the municipality nor be included in any limitation of the bonded indebtedness of such municipality prescribed by law. (Adopted September 3, 1912.)

Sec. 11. Any municipality appropriating private property for a public improvement may provide money therefore in part by assessments upon benefited property not in excess of the special benefits conferred upon such property by the improvements. Said assessments, however, upon all the abutting, adjacent, and other property in the district benefited shall in no case be levied for more than fifty per centum of the cost of such appropriation. (Adopted September 3, 1912.)

Sec. 12. Any municipality which acquires, constructs or extends any public utility and desires to raise money for such purposes may issue mortgage bonds therefor beyond the general limit of bonded

indebtedness prescribed by law; provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such municipality but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. (Adopted September 3, 1912.)

Sec. 13. Laws may be passed to limit the power of municipalities to levy taxes and incur debts for local purposes, and may require reports from municipalities as to their financial condition and transactions, in such form as may be provided by law, and may provide for the examination of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities. (Adopted September 3, 1912.)

Sec. 14. All elections and submissions of questions provided for in this article shall be conducted by the election authorities, prescribed by general law. The percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election. (Adopted September 3, 1912.)

Schedule

If the foregoing amendment to the constitution be adopted by the electors and become a part of the constitution, it shall take effect on November 15, 1912. (Adopted September 3, 1912.)

SCHEDULE

Section 1. All laws of this state, in force on the first day of September one thousand eight hundred and fifty-one, not inconsistent with this constitution, shall continue in force, until amended, or repealed. (*See Const.* 1802, *Sched.* § 4.)

Sec. 2. The first election for members of the general assembly, under this con-

stitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

Sec. 3. The first election for governor, lieutenant governor, auditor, treasurer, and secretary of state and attorney general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons, holding said offices on the first day of September, one thousand, eight hundred and fifty-one, shall continue therein, until the second of January, one thousand, eight hundred and fifty-two.

Sec. 4. The first election for judges of the supreme court, courts of common pleas, and probate courts, and clerks of the courts of common pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one, and the official term of said judges and clerks, so elected, shall commence on the second Monday of February, one thousand eight hundred and fifty-two. Judges and clerks of the courts of common pleas and supreme court, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office with their present powers and duties, until the second Monday of February, one thousand eight hundred and fifty-two. No suit or proceeding, pending in any of the courts of this state, shall be affected by the adoption of this constitution. (*See Art. IV, § 7, note 2; § 13, note.*)

Sec. 5. The register and receiver of the land office, directors of the penitentiary, directors of the benevolent institutions of the state, the state librarian, and all other officers, not otherwise provided for in this constitution, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office, until their terms expire, respectively, unless the general assembly shall otherwise provide.

Sec. 6. The superior and commercial courts of Cincinnati, and the superior court of Cleveland, shall remain, until otherwise provided by law, with their present powers and jurisdiction; and the

judges and clerks of said courts, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office, until the expiration of their terms of office, respectively, or, until otherwise provided by law; but neither of said courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three; and no suits shall be commenced in said two first mentioned courts, after the second Monday of February, one thousand eight hundred and fifty-two, nor in said last mentioned court, after the second Monday in August, one thousand eight hundred and fifty-two; and all business in either of said courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the court of common pleas.

Sec. 7. All county and township officers and justices of the peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

Sec. 8. Vacancies in office, occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled, as is now prescribed by law, and until officers are elected or appointed, and qualified, under this constitution.

Sec. 9. This constitution shall take effect, on the first day of September, one thousand eight hundred and fifty-one.

Sec. 10. All officers shall continue in office, until their successors shall be chosen and qualified. (*See Const. 1802, Sched. § 3.*)

Sec. 11. Suits pending in the supreme court in bank, shall be transferred to the supreme court provided for in this constitution, and be proceeded in according to law.

Sec. 12. The district courts shall, in their respective counties, be the successors of the present supreme court; and all suits, prosecutions, judgments, records, and proceedings, pending and remaining

in said supreme court, in the several counties of any district, shall be transferred to the respective district courts of such counties, and be proceeded in, as though no change had been made in said supreme court.

Sec. 13. The said courts of common pleas, shall be the successors of the present courts of common pleas in the several counties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records and judgments, pending or being in said last mentioned courts, except as aforesaid, shall be transferred to the courts of common pleas created by this constitution, and proceeded in, as though the same had been therein instituted.

Sec. 14. The probate courts provided for in this constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties of the present courts of common pleas; and the records, files, and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said courts of probate, and be there proceeded in, according to law.

Sec. 15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll books returned, as is provided for governor, and the abstract therefrom, certified to the secretary of state, shall be by him opened, in the presence of the governor, who shall declare the result, and issue commissions to the persons elected.

Sec. 16. Where two or more counties are joined in a senatorial, representative, or judicial district, the returns of elections shall be sent to the county, having the largest population.

Sec. 17. The foregoing constitution shall be submitted to the electors of the state, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts of this state. The ballots at such election shall be written or printed as follows: Those in favor of the constitu-

tion, "New Constitution, Yes"; those against the constitution, "New Constitution, No." The polls at said election shall be opened between the hours of eight and ten o'clock a. m., and closed at six o'clock p. m.; and the said election shall be conducted, and the returns thereof made and certified, to the secretary of state, as provided by law for annual elections of state and county officers. Within twenty days after such election, the secretary of state shall open the returns thereof, in the presence of the governor; and, if it shall appear that a majority of all the votes, cast at such election, are in favor of the constitution, the governor shall issue his proclamation, stating that fact, and said constitution shall be the constitution of the state of Ohio, and not otherwise.

Sec. 18. At the time when the votes of the electors shall be taken for the adoption or rejection of this constitution, the additional section, in the words following, to-wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the general assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to-wit: A separate ballot may be given by every elector and deposited in a separate box. Upon the ballots given for said separate amendment shall be written or printed, or partly written and partly printed, the words: "License to sell intoxicating liquors, Yes"; and upon the ballots given against said amendments, in like manner, the words: "License to sell intoxicating liquors, No." If, at the said election, a majority of all the votes given for and against said amendment, shall contain the words: "License to sell intoxicating liquors, No," then the said amendment shall be a separate section of article fifteen of the constitution.

Sec. 19. The apportionment of the house for representatives, during the first

decennial period under this constitution, shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champaign, Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby and Union, shall, severally, be entitled to one representative, in each session of the decennial period.

The counties of Franklin, Licking, Montgomery, and Stark, shall each be entitled to two representatives, in each session of the decennial period.

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit, and Warren, shall, severally, be entitled to one representative, in each session; and one additional representative in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas, and Washington, shall, severally be entitled to one representative, in each session; and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The counties of Belmont, Columbiana, Ross and Wayne, shall, severally, be entitled to one representative, in each session; and three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The county of Muskingum shall be entitled to two representatives, in each session; and one additional representative, in the fifth session, of the decennial period.

The county of Cuyahoga shall be entitled to two representatives, in each session; and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The county of Hamilton shall be en-

titled to seven representatives, in each session; and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth session, of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article, shall form districts in manner following, to-wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance, and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one representative, in every session of the decennial period.

Done in convention, at Cincinnati, the tenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, and of the independence of the United States, the seventy-fifth.

WILLIAM MEDILL, *President.*

Attest: Wm. H. Gill, *Secretary.*

S. J. Andrews,
Edward Archbold,
William Barbee,
Joseph Barnett,
David Barnet,
Wm. S. Bates,
A. I. Bennett,
John H. Blair,
Jacob Blickensderfer,
Van Brown,
A. G. Brown,
R. D. Cahill,
F. Case,
L. Case,
David Chambers,
John Chany,
H. D. Clark,
George Collins,
Friend Cook,

Otway Curry,
G. Volney Dorsey,
Thos. W. Ewart,
John Ewing,
Joseph M. Farr,
Elias Florence,
Robert Forbes,
H. C. Gray,
H. N. Gillett,
John Graham,
John L. Green,
Jacob J. Greene,
Henry H. Gregg,
W. S. Groesbeck,
C. S. Hamilton,
D. D. T. Hard,
A. Harlan,
William Hawkins,
James P. Henderson,
Peter Hitchcock,
G. W. Holmes,
Geo. B. Holt,
John J. Hootman,
V. B. Horton,
Samuel Humphreville,
John E. Hunt,
B. B. Hunter,
Reuben Hitchcock,
John Johnson,
J. Dan Jones,
James B. King,
S. J. Kirkwood,
Thos. J. Larsh,
William Lawrence,
John Larwill,
Robert Leech,
D. P. Leadbetter,
John Lidey,
James Loudon,
J. McCormick,
H. S. Manon,
Samson Mason,
Matthew H. Mitchell,
Isaiah Morris,
Charles McCloud,
Simeon Nash,
S. F. Norris,
Chas. J. Orton,
W. S. C. Otis,

Thomas Patterson,
 Danl. Peck,
 Jacob Perkins,
 Saml. Quigley,
 R. P. Ranney,
 Chas. Reemelin,
 Adam N. Riddle,
 Edward C. Roll,
 Wm. Sawyer,
 Sabirt Scott,
 John Sellers,
 John A. Smith,
 George J. Smith,
 B. P. Smith,
 Henry Stanbery,
 B. Stanton,
 Albert V. Stebbins,
 E. T. Stickney,
 Richd. Stillwell,
 Harman Stidger,
 James Struble,
 J. R. Swan,
 L. Swift,
 James W. Taylor,
 Norton S. Townshend,
 Hugh Thompson,
 Joseph Thompson,
 Joseph Vance,
 Elijah Vance,
 Wm. M. Warren,
 Thomas A. Way,
 J. Milton Williams,
 Elzey Wilson,
 Jas. T. Worthington,
 E. B. Woodbury,

*Schedule to Constitutional Amendments
 Submitted on September 3, 1912*

(Sec. 20.) The several amendments passed and submitted by this convention when adopted at the election shall take effect on the first day of January, 1913, except as otherwise specifically provided by the schedule attached to any of said amendments. All laws then in force, not inconsistent therewith shall continue in force until amended or repealed; provided that all cases pending in the courts on the first day of January, 1913, shall be heard and tried in the same manner and by the

same procedure as is now authorized by law. Any provision of the amendments passed and submitted by this convention and adopted by the electors, inconsistent with, or in conflict with, any provision of the present constitution, shall be held to prevail. (Adopted September 3, 1912.)

(Sec. 21.) The several proposals duly passed by this convention shall be submitted to the electors as separate amendments to the constitution at a special election to be held on the third day of September, 1912. The several amendments shall be designated on the ballot by their proper article and section numbers and also by their approved descriptive titles and shall be printed on said ballot and consequently numbered in the manner and form hereinafter set forth. The adoption of any amendment by its title shall have the effect of adopting the amendment in full as finally passed by the convention. Said special election shall be held pursuant to all provisions of law applicable thereto including special registration. Ballots shall be marked in accordance with instructions printed thereon. Challengers and witnesses shall be admitted to all polling places under such regulations as may be prescribed by the secretary of state. Within ten days after said election the boards of deputy state supervisors of elections of the several counties shall forward by mail in duplicate sealed certified abstracts of the votes cast on the several amendments, one to the secretary of state and one to the auditor of state at Columbus. Within five days thereafter such abstracts shall be opened and canvassed by the secretary of state and auditor of state in the presence of the governor who shall forthwith, by proclamation, declare the results of said election. Each amendment on which the number of affirmative votes shall exceed the number of negative votes shall become part of the constitution.

HERBERT S. BIGELOW,
President.

C. B. Galbreath, *Secretary.*
 Columbus, Ohio, June 1, 1912.

David F. Anderson,
Ernst I. Antrim,
John L. Baum,
Robert A. Beatty,
A. Beyer,
Stanley E. Bowdle,
Wesley B. Brattain,
H. M. Brown,
Walter F. Brown,
M. A. Brown,
William W. Campbell,
John R. Cassidy,
M. T. Cody,
Bernard Y. Collett,
Geo. H. Colton,
Henry L. Cordes,
Henry M. Crites,
Robert Crosser,
David Cunningham,
William C. David,
Joe DeFrees,
A. V. Donahey,
Edward W. Doty,
Charles O. Dunlap,
Alexander Dunn,
Dennis Dwyer,
Henry E. Eby,
J. Milton Earnhart,
Henry W. Elson,
John D. Fackler,
W. W. Farnsworth,
Thomas S. Farrell,
S. D. Fess,
Thos. G. FitzSimons,
James M. Fluke,
Henry C. Fox,
Aaron Hahn,
Wm. P. Halenkamp,
James W. Halfhill,

James W. Harbarger,
Wm. S. Harris,
Geo. W. Harris,
Otto M. Harter,
Isaac Harter,
Robert Henderson,
John C. Hoffman,
Charles D. Holtz,
Samuel A. Hoskins,
Frank G. Hursh,
Edward W. Johnson,
Solomon Johnson,
Humphrey Jones,
J. W. Kehoe,
Henry C. Keller,
Frank H. Kerr,
Wm. B. Kilpatrick,
E. B. King,
G. W. Knight,
John F. Kramer,
Lawrence P. Kunkle,
Frank P. Lambert,
E. L. Lampson,
Fred G. Leete,
Daniel E. Leslie,
Robert B. Longstreth,
Chris Ludey,
Fletcher D. Malin,
Frank M. Marriott,
Allen M. Marshall,
N. E. Matthews,
Roscoe J. Mauck,
R. G. McClelland,
Geo. W. Miller,
Frank P. Miller,
Wm. Miller,
Illion E. Moore,
Caleb H. Norris,
David J. Nye,

J. A. Okey,
W. E. Partington,
Hiram D. Peck,
Edward A. Peters,
David Pierce,
Geo. W. Pettit,
T. D. Price,
A. Ross Read,
Horace G. Redington,
Jno. H. Riley,
Wm. M. Rockel,
John Roehm,
John C. Rorick,
Stanley Shaffer,
Eli D. Shaw,
H. K. Smith,
Starbuck Smith,
J. C. Solether,
Franklin J. Stalter,
M. Stamm,
W. B. Stevens,
O. H. Stewart,
Stephen S. Stillwell,
William Worth Stokes,
Frank Taggart,
James C. Tallman,
J. W. Tannehill,
Percy Tetlow,
Harry D. Thomas,
John Ulmer,
Edwin T. Wagner,
Wilmer R. Walker,
Harvey Watson,
Benj. F. Weybrecht,
John W. Winn,
Frank C. Wise,
F. W. Woods,
Wm. Worthington.

CHAPTER XII.

THE CANALS OF OHIO

Her Greatest Single Asset. Her Most Important Factor In Future Development

The work on Ohio canals was commenced in 1825 and completed in 1847. There were 1813 miles in all, the greatest of any state, New York being second. The whole cost was \$15,967,652. The national government gave 1,230,512 acres of land to the enterprise and this land was sold for \$2,257,487. The canals of Ohio were leased to a private corporation from 1861 to 1878. They were leased for ten years at an annual rental of but \$20,075 and this lease was renewed for an additional ten years, but the company defaulted on their rent in 1877 and abandoned the canals, leaving them in a very dilapidated condition. From 1863 to 1896, various General Assemblies disposed of canal lands worth several millions of dollars for less than \$200,000. We still have 603 miles of used and abandoned canals owned by the State. The following headlines in a county paper in 1912 announced my position on the canal situation:

ARRAY OF FACTS AND FIGURES

on the Miami and Erie Canal Question

Presented by Colonel F. M. Sterrett of
Troy, at the "Round Up" Farmers'
Institute

Favors Barge Canal

Without time to make an extensive argument in favor of converting the Miami and Erie Canal into a barge canal, at least 100 feet wide and ten feet deep, I desire to

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submit the following statement of facts for the present as a basis for the importance of such action.

1. The waterways systems of France, Germany, Great Britain and China have increased in length more than 500 per cent in the last thirty years.

2. The report of the National Conservation Commission of 1909 recommended a bond issue of \$500,000,000 for the improvement of internal waterways and the message of President Roosevelt to Congress on January 1, 1909, endorsed that recommendation.

3. The railroads of the country are no longer physically able to carry the traffic of America and the one avenue open to such traffic is faster transportation. We must move forward or we will go backward.

4. The government engineers say in their report of January 20, 1896 that a barge canal 100 feet wide and ten feet deep between Toledo and Cincinnati is entirely practical.

5. It is well known that an appropriation has already been made to canalize the Ohio river to a depth of 9 feet. A Miami and Erie barge canal would land Pennsylvania, Ohio, and Kentucky coal from Toledo to Cincinnati at one-third of the present transportation charges.

6. It would land iron and lumber along its course at one-third the present transportation charges.

7. It would save two-thirds of the trans-

portation charges on all the cereals along its course, shipped to outside markets, which saving of itself would in a few years pay for the improvement of the canal, including all new bridges.

8. It would create, along its course, the greatest manufacturing district in the world, because the raw material could be landed at a minimum price and the products of the soil; all that is necessary to sustain life—the two prerequisites for a great manufacturing center. With 5,000,000 of people in the seventeen counties of western Ohio, our market would be equally as good as those of the sea coast.

9. The general government is committed to internal waterway improvement on a scale commensurate with the demands of commerce.

10. The state of New York, in 1903, by an overwhelming majority, voted an appropriation to enlarge the Erie Canal from a depth of seven feet to a depth of 12 feet, and this work of enlargement is now rapidly progressing. It is 387 miles long and has 72 locks. It passes through the cities of Rochester, Syracuse and a long list of populous county seats, such as Rome, Herkimer and Schenectady, along the Mohawk Valley, which largely outnumber in population the cities along the Miami and Erie Canal and where the cost of widening and deepening and bridging would be far in excess of the same on the Miami and Erie Canal.

11. President Taft, on October 21, 1908, in an address to The Lakes to the Gulf Convention, committed himself to a bond issue for a deep waterway system.

12. The government engineers, under act of Congress, August 17, 1894, made a report on February 12, 1896, estimating that the work of enlarging the Miami and Erie Canal could be done for \$27,000,000 or about one-fourth the amount appropriated by New York for the improvement of the Erie Canal (now, in 1917, nearly completed at a cost of \$150,000,000).

13. Governor Harmon in a recent message characterized the canals as the most

valuable asset of the State. In a general way \$25,000,000 is placed as the value of the Miami and Erie Canal.

14. Contrary to general belief and statement, the Miami and Erie Canal has to its credit from 1827 to 1907, a net profit of \$1,164,692.84. What could we expect from a barge canal divorced from politics?

15. The power produced at the lakes would be sufficient to propel all boats that could be used and probably to irrigate much of the land along the valley during our frequent dry Julys and Augusts. It could also be used as it now is for manufacturing industries.

16. It is estimated that waterways and reservoirs have a fish value of \$15,000 per acre.

17. The Ohio Boat Company is now running regular trips between Loveland and Middletown and delivering their freight more quickly at one-third the price of railroads. These steel hull boats are propelled by gasoline engines of fifteen horse-power, operating a propellor in a chamber in such fashion as to absolutely prevent the wash of the banks. They run from six to eight miles per hour.

18. Lyman E. Cooley, of Chicago, one of the greatest, if not the greatest, in the country, upon such subjects, and the master spirit in the construction of the ship canal between Lake Michigan and the Mississippi river, has given his opinion that the Miami and Erie Canal can be enlarged to a depth of sixteen feet. After this, why listen to pessimism about the want of water for a barge canal?

19. The government engineers reported in favor of a canal, having a trunk of 85 feet at the top water line and 60 feet in width at the bottom, and 10 feet in depth, with locks 20x200 feet, having 12-foot lifts, which they say in their report (they have really made their reports at different times, all favorable), would carry vessels large enough to be seaworthy on the lakes and as large as can probably ever be carried on the river.

20. The amount saved in transportation

of grain alone to the state of New York by the Erie Canal during the last thirty years is at least \$200,000,000.

21. According to the Interstate Commerce Commission for the fiscal year ending June 30, 1909, the railroads, the railroad rates of the country were nine and one-half times as much as the rate by water. Bear in mind these are official figures.

23. The classes of freight that can be carried most economically by water, are those that are carried with least profit by the railroads.

24. The modern canal of 10 feet in depth is stated by experts to have a carrying capacity equal to that of *ten double track railroads*.

25. We have \$25,000,000 of property in the Miami and Erie Canal that foreign nations and states of the Union, are making a profit from. Is it wise for us to sacrifice this property in the face of the facts?

Since the above paper was read to the farmers' institute in 1912, there have been several congestions of freight in Toledo and Cincinnati that detained shipments at these points for a period of three months, a longer successive period than the canal has ever been frozen over. The price on coal for the winter supply of 1916-17 has been from \$2 to \$2.50 per ton more than ever before paid in Miami County and the canal has been open, free from ice, up to December 1, 1916, and all on account of the want of freight cars, proof of our position (No. 3). That this condition will become more serious as time goes and a greater population and more factories must be supplied would seem as certain as any other fixed economic fact.

There is coal in sight now, only enough to last for 150 years to come. The supply of oil can be almost mathematically calculated. We will have water as long as the earth exists. Evaporation and precipitation will give us rainfall and rainfall will give us water power as long as the sun

holds out to burn. Water power is, therefore the one inexhaustible natural resource upon which we can depend for heat, light and industrial energy. I am of the opinion that every ravine in this country should be cemented at its mouth and all water held back, as it formerly was, before deforestation took place. It would not only conserve the water for farm power, or irrigation purposes, but would largely prevent inundation of the lowlands. Men and women of Miami County, this is the 20th century. The resistless tide of mighty events are marching on. The next one hundred years will probably be as prolific in great accomplishments as the last century has been. The revolution in harvesting our crops, our mode of travel, living and communication during the past one hundred years, gives prophecy of the future.

There are many sincere opponents to the improvement of the Miami and Erie Canal. Let us classify them: (1) Every man who has served as County Commissioner for many years is a natural enemy and has made it a business to create enemies for the improvement, because of the large expenditures for bridges each year and this is reasonable from that standpoint. (2) A considerable per cent of our people have heard it called the frog pond, the old dirty ditch, and like ugly names for so many years that the mention of it carries opprobrium with it, but this is not born of thought or of large vision, any more than the old time opposition to a musical instrument in church service, among us a hundred years ago. No intelligent mind of breadth is likely to doubt the statements of three different boards of engineers appointed and paid by the general government to report on this subject. The following is an extract from their last report, made on February 12, 1896:

"The project is one of undoubted practicability at a cost not prohibitory, and if carried out a canal so built will form an important part of an inland system of

navigation, which, with Lake Erie as a commercial basis of operation, will embrace the Great Lakes and the St. Lawrence, Mississippi and Ohio rivers and the Atlantic seaboard."

If I have, by the above thoughts, been able to arrest unreasonable defamation and changed it, at least, to serious consideration of the subject, this book will not have been written in vain.

FURTHER DEVELOPMENT

In the early days of Ohio, before the date of free schools, the general method of teaching was what was called "The Lancaster School System." Under this system it was possible for one man to be the only paid instructor for a thousand pupils, employing the older pupils as monitors. In this manner the cost of each pupil for one year was five shillings. This system prevailed in Cincinnati, Marietta, Hillsboro, and other early Ohio towns. It was so inexpensive that it delayed the establishment of a system of paid instructors for all public school pupils.

In 1821, a law was passed which authorized a school tax to be levied, but it was not made mandatory. Only indigent children, not able to pay, became beneficiaries of the funds raised under this law.

In 1825 the General Assembly passed a mandatory law requiring the County Commissioners, beginning July, 1826, to levy five-tenths of a mill for school purposes. There was no provisions made by some of the Counties for the collection of this tax. Then and for years afterward, there was a per cent of the taxpayers in the State, who, having no children, objected to being taxed for the education of other peoples' children. The growth of sentiment in favor of free schools in Ohio was as slow as the growth of sentiment in favor of organs and fiddles in churches. Many of the older citizens of Miami County today recollect when such music in churches would have outraged the congregations to rebellion and withdrawal.

The two issues of canal bonds and mandatory taxation to support public schools were combined in the campaign of 1824

and a majority thus gained in the General Assembly for both projects, but it was the popularity of the canals and not a general thirst for education that won at the October election. This was shown by the fact that the Canal Bill was passed on February 4, 1825, and the school tax law was passed the next day, and the majority for canals was over double the majority for schools.

Cincinnati had free schools before 1838 when all schools of Ohio were made free. In 1877 a law was passed which compelled all persons of school age to attend school for at least three months in each year. The Akron law of 1847 gave that city the first modern graded school in the State. It provided for six primary and one grammar school with examinations for promotion. It also provided for a board of education of six members and a separate board of examiners for city teachers. The plan was extended to other towns in 1849 and to townships in 1850.

A State superintendent of schools was provided for by the law of 1837 and abolished in 1840 and re-established in 1853 under the title of State Commissioner of Common Schools. The Secretary of State had performed the duties of Common School Superintendent and the County Auditor as County Superintendent and township clerks as township superintendents before the provision of 1853 for the State Commissioner.

The Constitution of 1872, changed the name to Superintendent of Public Instruction and made the office an appointive one from the Governor and the term for four years.

The office of County Superintendent was

created in 1914. He is chosen by the County Board of Education, which consists of five members selected by the president of the boards of education of the village and rural school districts of the County.

"General James A. Garfield, afterward president, while a member of Congress, on June 6, 1866, on speaking on his bill to establish a department of education, said that during the Civil War, 52 per cent of all Ohio taxation (excepting levies for war expenses and payments on the debt) was used for common schools. At that time over 50 per cent of all State receipts, except for extraordinary expenses, caused by the war were disbursed for schools. Today only 15 per cent of such State receipts are so used. The common schools of Ohio now receive thirty-two million dollars each year or only about 30 per cent of all the State and local taxes.

The University of Athens was founded in 1804 and opened 1809. The first gradu-

ating class was in 1815 and consisted of John Hunter and Thomas Ewing. These were the first academic degrees conferred in the states northwest of the Ohio river. Ewing became one of the greatest lawyers and statesmen in America.

The second college was Miami University at Oxford which was founded in 1809, and opened in 1816. The first graduating class was in 1826. Kenyon College, at Gambier, was founded in 1825; Franklin College at New Athens, and Western Reserve University, at Cleveland, were both founded in 1826; Dennison University, at Granville, in 1831; Oberlin College in 1833, and Marietta College in 1835. Oberlin was the first co-educational college in the world and the first in the United States to admit negro students. Ohio has more colleges than any other state in the Union. Wilberforce, the leading colored university in the north, was founded in 1856, being the first in the United States.

CHAPTER XIII.

OHIO IN THE WAR OF 1812

The war of 1812 can be called a continuation of the Revolution, with all justice. Although rumors had reached Ohio, that active preparations were being made for general action, no official tidings had been sent to Hull, commander-in-chief of the western forces.

The Secretary of War, instead of sending a special messenger directly to Hull, communicated with the post adjacent, depending upon a continuation of the news from that point. At the same time, advices were sent the British post at Malden and Detroit. Hull sent out a packet with official papers, stores, etc., the day previous to that on which the official intelligence arrived that an open rupture existed between the two powers, and this of course captured.

The Western forces marched to Detroit and crossed over to Sandwich, preparatory to attacking Malden, a post most favorable for the transportation of stores, troops, etc., which was therefore considered valuable.

Peter Minard first gave the news to the settlers of the Maumee. He had heard from a Delaware chief who assured him that a general massacre was to take place in the valley. Maj. Spafford paid no heed to this "idle fear" until a few days thereafter a messenger came to his quarters, reporting a band of fifty Pottawatomies on the march to join the hostile tribes near Malden. They had plundered and burned

Bonclova, and had nearly reached the rapids.

The major with his family and settlers, immediately launched a barge on the river and were able to reach old Fort Miami just as the savages reached Maumee City. They could plainly witness the flames that devoured their old homes. They kept on their way in their miserable craft, until they reached Milan, where they learned that the entire country was in danger.

Although the Indians were defeated in the battle of Tippecanoe in the fall of 1811, they plotted vigorously with the English for the invasion of Ohio.

Gen. William Hull marched from the south western part of the State directly north, crossing the counties of Champaign, Logan, Hardin, Hancock and Wood, establishing military posts along the route and cutting a way through the wilderness of the unsettled portions. He crossed the Maumee on the 1st of July and marched to Detroit.

Hull was evidently actuated in his succeeding disgraceful failure by two fears—lack of confidence in the ability of his troops, and the belief that they might desert him in action. He proclaimed freedom, and a necessity of submitting to the Canadians under existing circumstances. He held out inducements to the British regulars to desert their cause, and essayed to pacify the savages, but he accomplished nothing beyond jeopardizing the Ameri-

can cause and disgracing his army. His men became restless. Col. Miller and Col. Cass were delighted when detailed on scouting expeditions, and did not hesitate to attack advancing squads of the enemy. At last, an attack was made on the Niagara frontier, and Hull speedily abandoned his project and collected his forces at Detroit.

Meantime, Col. Proctor had reached Malden, and quickly perceiving the advantage of a post at that point, whereby he could cut off supplies and starve Hull into subjection, he massed his forces about this section, captured Van Horn and his two hundred men, and withstood the attack of Miller, although he gained nothing by so doing. Again Hull displayed his weakness by recalling his forces from further molestations.

Gen. Brock, however, reached Malden on the 13th of August, 1812, and began war preparations.

Gen. Dearborn placed a force on the Niagara frontier, but an armistice was made with the British. Hull dispatched a third party under McArthur to open communications to the Raisin River.

Gen. Brock appeared at Sandwich and began to erect batteries, which Hull would not allow to be molested. The result was, that on the 26th of August Detroit was surrendered to the enemy, and not a blow had been struck in its defense.

By this dastardly act, 1,400 brave men who had not been permitted to make a single effort to sustain the American cause, were surrendered to 300 English regulars, 400 Canadians and their Indian allies. Gen. Hull was, in consequence of this series of "mistakes" accused of treason and cowardice, and convicted of the latter. By the middle of August, the British had gained control over most of the Northwestern Territory.

The appointment of William Henry Harrison to the position of Commander in chief of the western forces was most opportune. He speedily raised a vigorous

army, and advanced by three routes to the foot of the rapids.

Gen. Harrison commanded the right wing and marched by the way of Upper Sandusky, where he located his depot of supplies. Gen. Tupper commanded the center, Fort McArthur, in Hardin County, being his base, while Gen. Winchester marched from Fort Defiance down the Maumee to the foot of the rapids.

A large force of British and Indians moved up the left bank of the Maumee toward Fort Wayne, and Gen. Harrison, to intercept them, marched to the confluence of the Auglaize with the Maumee.

Harrison was aware that the enemy would be also hemmed in by Winchester. The weather was rainy, and the prospects were that a most unfortunate season was to follow the expected engagements. Harrison heard that Winchester had reached Fort Defiance, and that the Indians and British were retreating down the Maumee. He followed and marched to Winchester's camp where he arrived in season to quell a mutiny under command of Col. Allen of the Kentucky troops.

In January, 1813, Winchester had reached the rapids, where he received tidings that Frenchtown was menaced and exposed. Without orders, he sent a party to the rescue which defeated the enemy. The weather was intensely cold, and the company lay within eighteen miles of Malden, where the enemy was collected in full force, consequently, re-inforcements must be dispatched immediately or the town again left to its fate.

Winchester then marched with a force of 259 men, and upon arriving at nightfall, insisted upon remaining on open ground, although warned repeatedly that this would be a most dangerous experiment.

In the morning, he was surprised by the enemy, massed directly before him, with a battery within three hundred yards of his camp, and a shower of bombs, balls and grape-shot falling among his exposed troops and the yells of the Indians remind-

ing him of his fatal error. Lewis, who led the party out in the beginning and had apprehended the danger, bravely defended himself behind garden pickets. Winchester was defeated on the 22nd of January, 1813, and the Indians were permitted to massacre the prisoners and the settlers.

Harrison fell back to the foot of the rapids. On the 1st of February he began the construction of Fort Meigs. On the 27th of April, Proctor and Tecumseh attacked this fort and laid siege with the full expectation of success. The stipulation was that Gen. Harrison was to be delivered to Tecumseh. While the balls and bombs were making havoc with the fort, the Indians were climbing trees and pouring a galling fire down upon the troops. Gen. Proctor invited Harrison to surrender, which was politely declined, with the assurance that the British General would have the opportunity to distinguish himself as a soldier before such a proceeding was enacted.

Gen. Clay was descending the Maumee with 1,200 Kentuckians in flat boats. Orders went from Harrison that 800 men should land on the left bank, take and spike the British cannon, and then enter the fort, from which soldiers were to issue to assist the re-inforcements.

Capt. Hamilton was to pilot Gen. Clay to the fort, cutting their way through. All succeeded, Col. Dudley taking the batteries and spiking the cannon. But his men, too much elated by their success, against orders, and against the repeated expostulations of Col. Dudley, insisted upon pursuing the Indians. Col. Dudley would not desert them. This act proved their ruin. By a decoy, they were led into a defile which proved an ambush and the men found themselves surrounded by savages, without means of escape.

A most frightful massacre began, and every man would have fallen had not Tecumseh sternly forbidden the cowardly carnage. One of the principal chiefs ignored this order, and the next instant the

great warrior buried his hatchet in his head. The brave Col. Dudley was, however, tomahawked and scalped.

There were no immediate signs that the fort would be surrendered, and the siege was raised on the 9th of May. It was renewed on the 20th of July, and abandoned a few days later. The enemy decided this stronghold was invulnerable.

On the 1st of August, the enemy proceeded to Fort Stevenson, at Lower Sandusky, garrisoned by 150 men under Maj. Croghan. The fort had the use of but one piece of cannon. The enemy with Tecumseh's Indians numbered 3,300 strong with six pieces of cannon.

Gen. Proctor again tendered the offer to surrender, adding that a refusal would only bring about a useless resistance, and a massacre by the Indians. The reply was, that before the fort went over to the British, not an American would be left to be massacred, as they should hold out to the last man. Proctor opened fire. The first movement was upon the northwest angle of the fort, as if to make a breach and thus carry the works. The commandant strengthened that point by bags of sand, and during the night stealthily placing his one cannon in a concealed position, he filled it with slugs.

The following day, the fire again swept the northwest corner, and, evening approaching, a column of 350 men swept up within twenty yards of the walls. They were met by the musketry, which had little effect, and the ditch was soon filled with men. The next instant, the hidden cannon, so placed as to sweep the ditch, suddenly began action, and the surprised assailants quickly recoiled and the fort was saved with the loss of only one man.

The next morning, the enemy had disappeared, evidently in haste, as guns, clothing and stores were left behind. They had lost over one hundred and fifty by this useless attempt. Croghan had previously received orders to evacuate the fort from Gen. Harrison, and his deter-

mination to hold the position merited Harrison's reprimand and remand of commission. Such was the severity of military law. However, the rank of Colonel was immediately conferred upon him by the President, for his gallantry. The ladies of Chillicothe presented him with an elegant testimonial in the shape of a sword.

It was decided to make a naval warfare effectual in the recovery of the Northwestern Territory, and accordingly vessel-building began under Commodore Perry's supervision.

The British looked upon this proceeding with decision, fully intending to use these boats for their own purpose. They publicly proclaimed their intention.

By the 1st of August, 1813, Commodore Perry set sail a flotilla, the Lawrence and Niagara of twenty guns each, with smaller vessels following. Some difficulty was encountered in launching the larger vessels, on account of the shallowness of the water.

Perry's first destination was Put-in-Bay, thirty miles from Malden, where the British fleet lay under the guns of the fort. On the 10th of September the British fleet—exceeding the American by ten guns—under Commodore Barclay, appeared off Put-in-Bay, distant about ten miles. Perry immediately set sail. The wind shifting, the Americans had the advantage.

Perry hoisted the Union Jack. A general preparation was made for the conflict. An ominous silence settled over all as the fleets approached. A bugle sounded on the enemy's ship *Detroit*, and a furious fire was opened upon the *Lawrence*. The frightful and desperate battle that ensued is so familiar that it is not necessary for us to repeat its details. It forever remains in history as a prominent, desperate struggle that turned the tide most decisively in favor of the Americans. Hand to hand, for three hours, this furious struggle surged, resulting in a pronounced victory for the Americans.

Commodore Perry immediately requested parole for his severely wounded antagonist, Commodore Barclay. Capt. Elliott was at this engagement highly commended by Perry for his bravery.

Gen. Harrison now made preparations to follow Proctor, and reached Malden on the 27th of September.

Proctor had retreated to Sandwich, and thence Harrison followed him, overtaking the enemy on the 9th of October, on the bank of the Thames. An engagement ensued which was not particularly marked in its events, but which practically terminated the war in the Northwest.

Tecumseh fell during this battle, and his death disheartened the savages to such an extent that they were willing to make terms of peace. Accordingly a treaty was concluded on the 22nd day of July, 1814, with the Wyandots, Delawares, Shawnees, Senecas and Miamis, the tribes engaged in hostilities."

One of the most interesting incidents of my life is connected with the commemoration of Perry's victory. The story in detail will be mainly interesting to all readers of history.

In 1910, General J. Warren Kiefer, then the member of Congress from the 7th Ohio district, succeeding in having passed into a law, an appropriation by the general government of the sum of \$250,000, for the purpose of erecting a monument in memory of the Perry victory of Lake Erie. In the year 1911 the Lake States had supplemented this sum by State appropriations in amount ranging from \$25,000 to \$100,000. Besides the Lake States, Kentucky and Rhode Island had appropriated the sum of \$25,000 each; Kentucky in memory of the fact that her sons figured more prominently than all others in the military operations under Gen. Harrison who commanded in the West and whose victory over Proctor in the battle of the Thames closed the war. The entire government and State appropriations reached \$800,000.

After the government and State funds had been secured, the following government commissioners were appointed: J. Warren Keifer, ex-speaker of Congress; Nelson A. Miles, Lieutenant General of the United States Army, retired, and Rear Admiral Clarke, formerly of around the horn, Oregon, retired. Each of the States contributing had also appointed Commissioners and the first meeting of the full joint National and State bodies was held in Put-in-Bay on Sept. 10th, 1912, to perfect plans.

On account of the fact that the largest average crowds in the Nation at that time gathered at the National Encampment of the Grand Army of the Republic and that I had acted as Executive Director at Saratoga Springs, New York, in 1907, Toledo, Ohio, in 1908, Salt Lake City, Utah, in 1909 and Atlantic City, New Jersey in 1910, Gen. Kiefer had invited me to accompany him for the purpose of furnishing advice in relation to the program for providing entertainment at the Centennial to be held one year from that date.

I was made the guest of Gen. Kiefer, Miles and Admiral Clarke at the Middle Bass House on Middle Bass Island from which place we were transported to Put-in-Bay for business meetings and banquet in a beautiful yacht owned by George H. Worthington of Cleveland, Ohio, President of the Lake Erie Yacht Club, as well as President-General of the Perry Monument Commission. On the night of the banquet, commencing at 8:30 p. m., and ending at 12:30 a. m., several very excellent speeches were made, not the least of which came from that eloquent orator and great political writer, Henry Waterson of Louisville, Kentucky. The following story, related by Gen. Kiefer, in the beginning of his speech, was new to me. Gen. Proctor and Tecumseh, the greatest of all Indians, who had been made a brigadier general in the British army, were at Malden, 30 miles away on the opposite side of the lake and could clearly hear the sound of battle and see the cloud of smoke, and

when the absence of these indicated that the battle was over, Tecumseh, turning to Proctor, said, "Did we whip 'em?" and Proctor replied, "Certainly, we did" and then it was that Tecumseh said, "Well, why don't they come back?"

It was after midnight when the Worthington boat landed us at Middle Bass, but north of the regular pier a quarter of a mile, on account of low water. The road was alongside the lake and for the entire distance the right of the road was covered with vineyards. After making a part of the distance, I said, "Gen. Miles, do you like Delaware grapes?" and he replied, "It is the queen of all grapes." I said, "Here are acres of them the finest I have ever seen, and I know for I was here this morning." The party entered the vineyard and gathered as many as they could carry about their persons and then continued the walk along the lake road, spitting out on the ground the skin and seed of the grapes. Gen. Miles stopped long enough once to recite.

"Women love revenge,
Sailors love prize money
And soldiers love pillage."

It was a beautiful moonlight night and the lightly rippling waters of the lake seemed a sheen of molten gold. I am indebted to Gen. Kiefer for the following, relating to this—the greatest Doric column on the earth.

Springfield, Ohio, April 21, 1917.
Col. F. M. Sterrett,
Troy, Ohio.
My dear friend:

In reply to yours of the 17th inst., I answer that the Washington Monument is higher than the Perry Monument but the latter exceeds all others of its class. Col. Henry Waterson has seen all of them in this line and pronounces ours the greatest in the world. Its height is 317 feet and 1 inch; diameter of base 45 feet; diameter of neck 35 feet, 6 inches; bacus 47 feet

square; thickness of walls at base, 9 feet, 9 inches; thickness of walls at neck 4 feet. The tripod is 22 feet, 10 inches in height and 17 feet, 4 inches in diameter. It is of statutory bronze in wrought and cast sections. The glass dome is an unbroken surface in 24 pieces in closed joints, a form of construction never before attempted in glass. The weight of the tripod is approximately ten tons.

The names of the American killed and wounded in the battle of Lake Erie, September 10th, 1813, are carved in the wall panels of the rotunda of the column and the complete roster of the fleet will appear in bronze tablets on the second floor. A passenger elevator runs to the spectator's gallery, at a height of 317 feet. It carried 27,000 passengers in 1916. The mem-

orial reservation of fourteen acres, from the center of which the column rises, comprises the narrowest part of Put-in-Bay Island toward east point, overlooking in either direction from the site of the column within a distance of about 300 feet, the waters of both Lake Erie and Put-in-Bay harbor. The scene most appropriately includes Gibraltar Island, West Sister Island off whose shores Commodore Perry dispatched his famous message, "We have met the enemy and they are ours." The Canadian shore, the expanse of waters and the international boundary line for one hundred years have borne silent but convincing testimony to the efficiency of international peace by disarmament.

Very truly,

J. WARREN KIEFER.

CHAPTER XIV.

OHIO IN THE CIVIL WAR

Among the many able and ordinary opponents of the institution of slavery that were prominent in the country's affairs between 1850 and 1860, William H. Seward of New York was regarded by the slave holders as their most dreadful enemy, mingled with a feeling of respect if not of awe. In his "irrepressible conflict" he boldly assumed a "higher law" than the Constitution of the United States and it became the battle cry in the most terrible conflict, theretofore known in the history of the world. He detested slavery from principle but more than all he opposed it with all his great powers because it would cripple the Union in its destined career. He saw in it a permanent element of political weakness and obloquy upon free labor, degrading to that portion of our population upon which our future greatness depended.

In the great Senatorial debate in Illinois between Abraham Lincoln and Stephen A. Douglas in 1858, Lincoln added to Seward's "higher law" the additional doctrine that "a house divided against itself cannot stand" and that therefore the country must become all slave or all free. This sad-faced man from the ranks of the people, keenly alive to every hardship of pioneer life; acquainted with or to become acquainted with each step from the lowest to the highest in American citizenship; kindly at heart, modest in speech and bearing, and more nearly the prototype of Jesus, the Nazarene, than any man who

had lived for more than 1800 years, turning to his great opponent, during the great meeting at Alton, Illinois, in August, 1858, said, "Is slavery wrong? That is the real question at issue and will continue to be the issue when these poor tongues of Judge Douglas and myself are silent. It is the eternal struggle between the two great principles right and wrong, that have stood face to face with each other from the beginning of time and will ever continue to struggle."

The civilization of Plymouth Rock had moved westward north of the 40" parallel of latitude and the civilization of Jamestown had moved westward south of that line, until the two antagonistic streams had met on the plains of Kansas in armed and bloody conflict. A battle line 2,000 miles in length was formed, extending from the Atlantic to the Rio Grande and 2,250,000 men on the one side fought to perpetuate the Union while about 1,500,000 on the other side fought to destroy the Union which our forefathers had dedicated to freedom. In the mighty cauldron of war, only, could confusion be fused into order and all sections of the Union started abreast with each other in the onward sweep of civilization.

The first gun against the flag, in Charleston Harbor, electrified the liberty loving people of this land into an exhibition of Patriotism unknown to the annals of the ages; with an uprising from the breath of God, our people from every avenue of

art and industry sprang to arms in defense of the civilization of Plymouth Rock, and our Southern brethren, with equal ardor, sprang to the defense of the civilization of Jamestown.

It is not my purpose to more than mention here how our battalions stood like a wall of iron on that last day at Shiloh, how the white flag wavered over Donnellson, how the brave men of the north and the south fell in the bloody angle at Spottsylvania, how the waves of battle surged and rolled at Gettysburg, mid the mightiest artillery combat ever witnessed on this or any other continent, how Hooker fought above the clouds at Lookout, how Sherman marched to the sea, how Sheridan, the greatest cavalry captain of the nineteenth century rode on his white-flecked black charger through the historic valley of the Shenandoah, and the final triumph of Grant, the silent soldier at Appomatox.

Since the close of the titanic struggle, 1,600,000 of these men after building empires in the west, have marched down the declivity of life and pitched their tents on the eternal camping grounds in the plains of light. There were 360,000 of them mustered out on the battle field, the hospital and prison pen. About 300,000 of them yet remain at an average of 75 years.

When the renown of Greece, Rome and Napoleon shall have grown dim, the deeds of these men will illuminate the pages of history with ever-increasing brilliancy. It was their example that induced their sons to forever sweep from the western hemisphere 400 years of Spanish tyranny, and their example will continue to inspire their descendants to deeds of heroism for the republic. Who can foresee to what extent our patriotism and resources may be tested in the present war with Germany. Every military organization in Ohio at once tendered their services to William Dennison, the Governor of Ohio, within twenty-four hours after the call of President Lincoln for 75,000 troops. The legislature appropriated \$1,000,000 to place the state on a

war footing. A splendid wave of patriotism submerged the influence of party sentiment.

The Governor established a camp at Miami, near Cincinnati, called Camp Dennison which continued to receive and discharge troops for four years. George B. McClellan was appointed Major General of the Ohio militia. Governor Letcher of Virginia sent troops early in May to break up the Convention in Wheeling, the object of which was to form a new State within the Union, of West Virginia. Col. Philip Steadman and his troops crossed the Ohio at Marietta, marched to Parkersburg and quelled a rebellious disturbance in that city. Col. Irvine crossed at Wheeling with a regiment of loyal Virginians. These two columns met at the railroad junction at Grafton where the Letcher troops had concentrated and hastily retreated when the Ohioans approached and who followed them to Phillipi where the first fight of the Civil War occurred and in favor of loyal troops. The convention had been protected, the railway system had been retained and West Virginia secured to the Union.

Gen. Rosencranz, with McClellan's advance, and unaided, defeated Garnett at Laurel Hill and pushed him eastward. McClellan failed to intercept Garnett's retreat but Steadman overtook him at Carrick's Ford where a sharp engagement took place in which Garnett was killed. Ohio had driven the rebels from West Virginia as a gift to the Nation.

When McClellan was called to Washington, Rosencranz succeeded him in command. The three months' men had been mustered out and the three years' men had been mustered in but not enough to hold the captured territory in the face of the determined plans of Governor Letcher for its recapture, who had despatched General Robert E. Lee, the greatest General of the South in charge of an offensive campaign. Rosencranz wrote Governor Dennison as follows: 'If you, Governor of Indiana and Governor of Michigan will lend your ef-

forts to get me quickly 50,000 men in addition to my present force, I think a blow can be struck which will save fighting the rifled cannon batteries at Manassas. Lee is certainly at Cheat Mountain. Send all the troops you can to Grafton." The plans of Rosencranz were made futile by the dispatch of all available troops in the west to the aid of Fremont at Springfield, Mo.

Gen. J. D. Cox, commanded the forces of Rosencranz in the Kanawa Valley. Cox, notwithstanding he had received heavy reinforcements, became alarmed at the threatening appearance on his front, telegraphed to Governor Dennison for help. Rosencranz again appealed to the Governor for reinforcement to march across the country against Floyd and Wise to Cox's relief. "I want to catch Floyd while Cox holds him in front. He was able to use 23 Ohio Regiments with which he again drove the rebels from West Virginia. The campaign, so far waged, the battles so far fought and the victories so far won, had been the work of Ohio men. The country they had wrested from the enemy was garrisoned, the exposed railroads, so important to successful military operations, were guarded after which the State settled down to a thorough and systematic organization of every department in aid of successful warfare, including the medical. A laboratory for the supply of ammunition was established at Columbus. Camp Dennison and Camp Chase had been placed under the control of the United States; a regular system was placed in operation to supply stores and clothing to the suffering at home and in the field. During the Fall and early Winter of 1861, the Ohio troops suffered in West Virginia. The people came promptly to their assistance with blankets, clothing and other supplies. Among the letters which were written from the three soldier sons of our immediate family to the folks at home and from the latter to those in the field, the following will, in a degree, explain that the people at home were keenly alive to their duty:

At Home, August 19, 1861.

Dear Son:—

I write you a few lines to let you know how we are all doing. I would have written sooner but as Francis (myself) wrote immediately upon the receipt of your letter, I concluded to defer until this week. We are all well as usual and hope these few lines may find you in good health and spirit. I suppose that Francis wrote you that Will had enlisted. He will leave Springfield on Wednesday a week and go to Zanesville and from there they do not know where they will be ordered but likely to West Virginia (it was to Kentucky). I hope you may not become discouraged. Always keep in view the righteousness of our cause and the necessity of true patriotism. If our government is destroyed, life itself will hardly be desirable. I think that by a united effort and a full reliance in God that we will come off victorious and those who have suffered and struggled for the maintenance of our government may come home and sit down in peace with a name that will be envied by traitors. Do not think that we forget you and our prayers constantly go up for your safety and for your return home some day. Enclosed find a dollar bill for stamps. Please write us at least once a week. We are at the post office every mail day, anxious to get a letter from you. Give my respects to all the boys and especially to Muray and tell him to write me without fail. Tell Captain Curtis to write me.

Farewell for the present,

F. W. STERRETT.

The above was addressed to Jacob R. Sterrett in care of Captain Curtis, Co. D. 11th Ohio Regiment, General Cox' Brigade, Gallipolis, Ohio, the latter being the mail distributing point for the army in the interior. The 11th Ohio was at that time at Gauley Bridge.

The following extracts from letters from Sergeant Jacob R. Sterrett 11th O. V. I., will furnish some idea of conditions in the field at that time.

Gauley Bridge, August 21, 1861.

Dear Brother:

I seat myself once more to write you a few lines. It is raining hard and I will not have to work on the entrenchments to-day, as I expected. It has rained every day for the last week. Great excitement was caused last night when a staff officer of Gen. Cox shot an orderly sergeant in the Kentucky Regiment who refused to work his men on the entrenchments until they had something to eat. They had been on picket all day yesterday and had no dinner. He was arrested immediately and it was as much as Gen. Cox could do to keep the Kentucky boys from raiding his quarters and killing him. The officer has been tried and will be shot tomorrow. I wrote a letter day before yesterday and when you get it you will hear all about our fighting. I don't know what letters you receive and those you do not. I received your postage stamps and was glad to get them for I was out. I was looking over the letters this morning and found 5 cents in the one John and Katie sent (aged 13 and 11 then) and was glad to get it, little as it was, for money is scarce in this country. I will have to close for we are going on a scout this afternoon and will probably be gone for a week. All the Honey Creek boys are well and hardy. George Ullery and William Scobey came pretty nigh being taken prisoner. Write to me about the boys on Honey Creek and whether any of them are secessionists. Tell David Strock he promised me he would enlist after harvest (he did in the 44th O. V. I.)

Write soon.

Your brother,

JACOB R. STERRETT.

A letter from Mountain Cave, Va., on Sept. 17th, 1861:

"Have been doing scout work several weeks and been in some pretty tight places. Rosecranz attacked Gen. Floyd last Friday and had a complete victory.

He was within 20 miles of Gauley and coming to attack it. He retreated back on the Summerville road and joined Wise. At one o'clock Friday night, we went up New River 12 miles to the point where Floyd joined Wise; were to meet, but were a half hour late. They had hurried away. They are expected to make a stand at Sewel Mountain. We will go round the other way and get there before the enemy, if possible. I am glad to hear of our boys on Honey Creek turning out so well for the war. All the boys are well except George Ullery who has been in the hospital for two weeks. Tell Grandfather Ullery I think of him often and the war tales of 1812 in which he was a soldier. I am writing on the ground."

The following letter will explain to some degree the work being done at that time by those at home in every community of the State:

Springfield, Ohio, Oct. 25, 1861.

S. W. Sterrett,
Christiansburg, Ohio.

I have been requested by our Committee to write you in regard to the necessity of some measures being taken to provide means to subsist the families of those who have enlisted in the service of the U. S. A. Our list has increased considerable since I saw you and our funds will not last more than a month longer if that. If the Committee of the County cannot do any thing, we must make some other arrangement as it will not do to withdraw our support from these families. Will you please set a day at your earliest convenience to meet the other committee and inform them of the time you set.

Yours sincerely,

G. S. FOOS.

I have more than 200 of these war letters, written between 1861-5 which trace the campaigns of the 11th O. V. I. through the two Virginias, Maryland, Kentucky and Tennessee embracing descriptions of

the battles of the Second Bull Run, South Mountain, Antietam and other smaller engagements. The last one is written Sept. 11th, 1863, from near Chattanooga and then the pen and voice became forever quiet. His life went out at Chickamauga from a bullet through the breast. Other letters in this unusual collection trace the campaigns of the 31st O. V. I. through Kentucky and Tennessee. One of these letters contains a piece of silk suspender worn by Gen. Zollicoffer at the battle of Mills Springs, before being shot in that battle by Gen. James B. Frye of Danville, Ky. Others of this collection trace the campaigns of the 5th Independent Battalion of Ohio Cavalry through eastern and southeastern Kentucky and the Cumberland range, describing the burning of the Court House at Winchester by the Cook guerrillas, their pursuit and punishment, the fight at Louisa Court House, the arrest of the author of this history for writing contraband war news to be told hereafter in the County history; the experience of the 147th O. V. I. in Virginia and Maryland, and the experience of the author on the surveying party in platting Arlington Heights, the property of Gen. Robert E. Lee, consisting of 1100 acres, for a National Cemetery where thousands of our most distinguished soldiers now rest.

David A. Todd succeeded William Denison as Governor of Ohio in 1862, and signaled his entrance into office by a thorough and systematic system of relief work which was subsequently copied by all of the States. The agencies in Cincinnati, Washington, Memphis, Cairo and St. Louis undertook the care of all disabled soldiers from Ohio Regiments who sifted through from the front.

The President became alarmed for the safety of the capitol at this time endangered as it was by the dash of Stonewall Jackson down the Shenandoah Valley. In the call for additional troops, five thousand men responded to Governor Tod's proclamation, at Camp Chase, in one day and the

quota for Ohio was more than filled. In June, under the President's call for an additional 500,000 men, the apportionment for Ohio was 74,000 of which she raised 54,000 volunteers and drafted 20,000 more on Sept. 15th, 1862, and Ohio was ahead of her calls at the close of the year.

In June and July, 1863, John H. Morgan crossed the Ohio river for the purpose of plunder for himself and followers; to prepare the way for Buckner to dash into Kentucky from Tennessee and seize Louisville and with Morgan to capture Cincinnati; to form the nucleus of an armed counter-revolution in the northwest where the "Knights of the Golden Circle" or the "Sons of Liberty" of the peace faction, were numerous; and to prevent re-inforcements from being sent to Meade from that region.

Already about 80 Kentuckians, on June 19, 1863, had crossed the Ohio to Indiana to test the temper of the people. They were captured. Morgan started June 27th, 1863, with 3,500 men well mounted and six guns, crossing the Cumberland river at Burkesville, and pushing on encountered some loyal cavalry at Columbia, Tenn., on July 3, 1863, and fought them for three hours and partly sacked the town and proceeded to destroy a bridge over the Green river, when he was driven away after a desperate fight of several hours by 200 Michigan troops under Col. Moore well intrenched. Morgan lost twenty-nine. He rushed into Lebanon, captured a small Union force there, set fire to the place and lost his brother, killed in the fight. He reached the Ohio, 40 miles below Louisville, July 7th, 1863. His ranks were swelled as he went plundering through Kentucky and he crossed the Ohio with 4,000 men and two guns. He captured two steamers with which he crossed. He was closely pursued by some troops under Gen. Hobson of Kentucky, and others went up the Ohio river in steamboats to intercept him. He plundered Corydon, the former State capitol of Indiana, murdered citizens and stole 300 horses. On he went,

robbing mill and factory owners by demanding \$1,000 as a condition for the safety of their property. In like manner, he went from village to village until the 12th, when at a railway near Vernon, he encountered Col. Lowe with 1200 militiamen. Morgan was assured that Indiana was aroused and that there was a great uprising of the loyal people against him. The victories at Gettysburg and Vicksburg now inspired the people. Gov. Morton called on the citizens to turn out and expel the invaders. Within 48 hours, 65,000 citizens had tendered their services and were hastening toward the rendezvous. Morgan was alarmed. He stole fresh horses for the race before Hobson, his persistent pursuer. He passed swiftly north of Cincinnati through the southern counties of Ohio and struck the river a little north of Pomeroy. The people of Ohio, also, were aroused. Gen. Judah went up the Ohio from Cincinnati in steamboats to head him off, and the people were gathered from different points. At Bufington ford, he attempted to cross the river and escape into Virginia, but there the head of Hobson's column, under Gen. Shackelford struck his rear, Gen. Judah struck his flank and two armed vessels in the stream opened upon his front. Hemmed in, about 800 of his men surrendered and the remainder, leaving all their plunder behind them, followed their leader up the river, and again attempted to cross to Belleville by swimming their horses. About 300 crossed, but the remainder were driven back by a gunboat, when Morgan fled inland to McArthur, fighting militia, burning bridges and plundering. At last, he was obliged to surrender to Gen. Shackelford, July 26th, 1863, at New Lisbon, the capitol of Columbian County. Morgan and some of his officers were confined in the Ohio Penitentiary at Columbus from which he and six others escaped in November and joined the Confederate forces in northern Georgia.

The race between the troops of Morgan and his pursuers had continued three weeks without cessation at the rate of 35 miles a day. Morgan afterward received a great ovation at Richmond as a great hero.

During the twenty years I lived in St. Louis, Mo., between 1885 and 1905, I became acquainted with and the personal friend of a Captain Cohn, of near Lexington, Kentucky, formerly, and one of the captains in the Morgan raid, with whom I spent many hours in discussion of the military significance of that wild ride of a few thousand men to end in capture. The captain was sincere in his belief that it was planned on the lines set forth in the head of this article. The most the captain would say in reference to the wholesale plunder that is known to have accompanied that ride was that that feature was unfortunate.

W. H. Hines, of Bowling Green, Kentucky, a cousin of the Capt. Hines who rode with Morgan and was confined with him in Columbus, lived in St. Louis, during the twenty years I resided there and was my most intimate friend. He, too, believed, that the raid of Morgan was planned for far-reaching military effect. From statements made by Capt. Hines, they counted on reaching the Ohio river with 20,000 men and recruiting 30,000 more in Indiana and Ohio from the "Knights of the Golden Circle," and the "Sons of Liberty," who were known to be armed. They had to learn that the class on whom they depended were truly "copperheads" who hissed but did not strike.

In the Beers' History of Miami County on page 189, the author among other statements in relation to the Morgan raid, says, "Morgan's purposes were never clear." It is certain, however, that Morgan made it clear to his officers that his purposes were as above written.

PROMINENT OHIO GENERALS

George Briton McClellan, the first General appointed in Ohio, was born December 3, 1826, in Philadelphia. His father was a physician of high standing and of Scotch descent. Young George was in school in Philadelphia, and entered West Point at the age of sixteen. At the age of twenty, he was a brevet Second Lieutenant, tracing lines of investment before Vera Cruz, under the supervision of Capt. R. E. Lee, First Lieutenant P. G. T. Beauregard, Second Lieutenant G. W. Smith. At the close of the Mexican war, old Col. Totten reported in favor of them all to Winfield Scott. He had charge of an exploring expedition to the mountains of Oregon and Washington, beginning with the Cascade Range. This was one of a series of Pacific Railway explorations. Returning to Washington, he was detailed to visit the West Indies and secretly select a coaling station for the United States Navy. He was dispatched by Jefferson Davis, Secretary of War to Europe with instructions to take full reports of the organization of military forces connected with the Crimean War. This work elicited entire satisfaction. He returned in January, 1857, resigned as regular army officer and was soon installed as engineer of Illinois Central Railroad. In 1860 he was president of the Ohio and Mississippi. He removed to Cincinnati where he was at the beginning of the war.

William Starks Rosencranz was born September 6th, 1819, in Delaware County, Ohio. His people were from Amsterdam. He was educated at West Point. When the war opened, he espoused the cause of the Union with enthusiastic zeal, and was appointed by McClellan on his staff as Engineer. June 9, he was Chief Engineer of the State under special law. Soon thereafter, he was Colonel of the Twenty-third Ohio, and assigned to the command of Camp Chase, Columbus. On May 16, his commission was out as Brigadier Gen-

eral in the United States Army. This reached him and he was speedily summoned to active service under Gen. McClellan. After the battle of Rich Mountain, he was promoted to the head of the department.

In April, 1862, he was succeeded by Fremont, and ordered to Washington to engage in immediate service for the Secretary of War. About the 15th of May, he was ordered to Gen. Halleck before Corinth. He was relieved from his command December 9, 1864.

Ulysses S. Grant, whose history we cannot attempt to give in these pages, was born on the banks of the Ohio at Point Pleasant, Clemont County, Ohio, April 27, 1822. He entered West Point in 1839.

"That the son of a tanner, poor and unpretending, without influential friends until his performance had won them, ill-used to the world and its ways, should rise—not suddenly, in the first blind worship of helpless ignorance which made any one who understood regimental tactics illustrious in advance for what he was going to do, not at all for what he had done—but slowly, grade by grade, through all the vicissitudes of constant service and mingled blunders and success, till, at the end of four years' war he stood at the head of our armies, crowned by popular acclaim our greatest soldier, is a satisfactory answer to criticism and a sufficient vindication of greatness. Success succeeds."

"We may reason on the man's career, we may prove that at few stages has he shown evidence of marked ability, we may demonstrate his mistakes, we may swell the praises of his subordinates, but after all, the career stands wonderful, unique, worthy of study so long as the nation honors her benefactors, or the State cherishes the good fame of the sons who contributed most to her honor."

Lieut. Gen. William Tecumseh Sherman was another Ohio contribution to the great Union war. He was born at Lancaster,

February 8, 1820. He entered West Point in June, 1836. His "march to the sea" has fully brought out the details of his life, since they were rendered interesting to all, and we refrain from repeating the well-known story.

Philip H. Sheridan was born on the 6th of March, 1831, in Somerset, Perry County, Ohio. He entered West Point in 1848. During the war, his career was brilliant. His presence meant victory. Troops fighting under his command were inspired. Gen. Rosencranz said of him: "He fights, he fights." A staff officer once said, "He is an emphatic human syllable."

Maj. Gen. James B. McPherson was born in Sandusky County, town of Clyde, November 14th, 1828.

Maj. Gen. Q. A. Gillmore was born February 28, 1825, at Black River, Lorain County, Ohio.

Maj. Gen. Irvin McDowell was born at Franklinton, Ohio, Oct. 15, 1818.

Maj. Gen. Don Carlos Buell was born near Marietta on the 23rd of March, 1818. His grandfather on the maternal side was one of the first settlers of Cincinnati.

Maj. Gen. O. M. Mitchell was a native of Kentucky, but a resident of Ohio from the age of four years.

Maj. Gen. Robert C. Schenck was born October 4th, 1809, in Franklin, Warren County, Ohio.

Maj. Gen. James A. Garfield, was born in Orange, Cuyahoga County, Ohio, November 19, 1831.

Maj. Gen. Jacob D. Cox was born in Canada in 1828 and removed to Ohio in 1846.

Maj. Gen. James B. Steedman was born in Pennsylvania July 30, 1818, and removed to Toledo in 1861.

Maj. Gen. David S. Stanley was born in Wayne County, Ohio, June 1, 1828.

Maj. Gen. George Crook was born in Montgomery County, Ohio, September 8, 1828.

Maj. Gen. Mortimer D. Leggett was

born in New York April 19, 1831, and emigrated to Ohio in 1847.

Brevet Maj. Gen. John C. Tidball was born in Virginia, but removed while a mere lad to Ohio with his parents.

Brevet Maj. Gen. John W. Fuller was born in England in 1827. He removed to Toledo in 1858.

Brevet Maj. Gen. Manning F. Force was born in Washington, D. C. on the 17th of December, 1824. He became a citizen of Cincinnati.

Brevet Maj. Gen. Henry B. Banning was born in Knox County, Ohio, November 10, 1834.

We add the names of Brevet Maj. Gens. Erastus B. Tyler, Thomas H. Ewing, Charles R. Woods, August V. Kautz, Ruth-erford B. Hayes, Charles C. Walcutt, Ken-ner Garrard, Hugh Ewing, Samuel Beatty, James S. Robinson, Joseph W. Keifer, Eli Long, William B. Woods, John W. Sprague, Benjamin P. Runkle, August Willich, Charles Griffin, Henry J. Hunt, B. W. Brice, Brig. Gens. Robert L. McCook, William H. Lytle, William Leroy Smith, C. P. Buckingham, Ferdinand Van Der-veer, George P. Este, Joel A. Dewey, Ben-jamin F. Potts, Jacob Ammen, Daniel Mc-Cook, J. W. Forsyth, Ralph P. Buckland, William H. Powell, John G. Mitchell, Eli-akim P. Scammon, Charles G. Harker, J. W. Reilly, Joshua W. Sill, N. C. McLean, William T. H. Brooks, George W. Morgan, John Beatty, William W. Burns, John S. Mason, S. S. Carroll, Henry B. Carrington, M. S. Wade, John P. Slough, T. K. Smith, Brevet Brig. Gens. C. B. Ludlow, Gens. C. B. Ludlow, Andrew Hicken-looper, B. D. Fearing, G. F. Wiles, Thomas M. Vincent, J. S. Jones, Stephen B. Yeoman, F. W. Moore, Thomas F. Wilder, Isaac Sherwood, C. H. Grosvenor, Moses E. Walker, R. N. Adams, E. B. Eggleston, I. M. Kirby.

We find numerous other names of Brevet Brigadier Generals, mostly of late ap-pointments, and not exercising commands

in accordance with their brevet rank, which we omit quoting through lack of space. They are the names of men of rare abilities, and in many cases of brilliant achievements.

In looking over the "War Record of Ohio" we find the State a great leader in men of valor and heroic deeds. It was the prolific field of military geniuses.

An interesting story was told me by General W. I. Sherman, who lived in St. Louis a number of years after the war and to whom the citizens presented a fine home on Garison avenue. I sat with him often in the post room and as a fellow delegate to national encampments and believe him to have been not only one of the greatest soldiers in history but a man in whom there was no guile. There was a banquet held in Washington, D. C., of the loyal legion at which Grant Presided and addressed, followed by Sherman and Sheridan who referred to their birthplace in Ohio with considerable pride. Some one facetiously remarked that Ohio had certainly had her inning and called upon Gen. Rosencranz, who arose and said: "If Ohio speakers are to be cut out, excuse me as I was born in Delaware, Ohio." Some one from the east arose and said "excuse me, I was born at Franklinton, Ohio. Buell was then called out and said: "Excuse me, I was born at Marietta, Ohio." Gen. Mitchell was called out and amid roars of laughter and applause replied, "I have been a resident of Ohio since I was four years of age."

German Sherman delighted in telling the above and one other in a similar relation which applied specifically to himself. He and a party of friends had listened to the great Italian tenor of the unpronounceable name, with much gratification and after the performance, as was Sherman's frequent custom he and his party went behind the scenes and were introduced to the great tenor. Sherman said: 'I have often wished and am fixed in my intention to sometime visit the scenes of your birth-

place and revel in its glorious sunshine and drink deeply at the fountain of its wonderful history." The great tenor replied: "My dear general, I was born on Snaky Creek, near Steubenville, in Jefferson County, Ohio."

Ohio was draped with the garb of mourning at the close of the war. Her human sacrifice in behalf of the nation had been bitter. There were tears and heart aches all over the land. Her ranks were swept by a murderous fire, from which they never flinched, and many officers fell.

Col. John H. Patrick will be remembered as opening the battle of Lookout Mountain. He fell mortally wounded, during the Atlanta campaign, May 15, 1862, while actively engaged. He was struck by a canister shot, and expired half a hour thereafter.

Col. John T. Toland, in July, 1863, was placed in command of a mounted brigade, including his regiment, and was instructed to destroy the Virginia and Tennessee Railroad. He reached Wytheville, Va., on the afternoon of the 18th of July. The rebels were safely entrenched in the house, and poured a galling fire into the national troops. Col. Toland was on horseback, at the head of his command. A sharp shooter sent a bullet with fatal certainty, and he fell on the neck of his horse, but was instantly caught by his Orderly Sergeant who heard the fervent words: "My horse and my sword to my mother."

Lieut. Col. Barton S. Kyle accompanied his regiment to the battle of Pittsburg Landing. The regiment was forced back, though resisting bravely. Lieut. Col. Kyle was at his post of duty, encouraging his men, when he received a bullet in his right breast. He survived five hours.

Col. William Jones was engaged in the battle of Chickamauga, June, 1863. His regiment, the thirty-sixth Ohio, was included in Turchin's Bridge of the Fourteenth Corps. He wrote in his pocket memoranda: "Off to the left; merciful

Father, have mercy on me and my regiment, and protect us from injury and death."—at 12 o'clock. At 5 that afternoon, he was fatally wounded and expired at 7 that same evening, on the battlefield. His remains were taken by the rebels, but in December, 1863, they were exhumed and interred in Spring Grove Cemetery, Cincinnati.

Col. Fred. C. Jones held command of the Tenth Brigade in October, 1862, marching from Wild Cat, Ky., to Nashville, through a perpetual skirmish. During the battle of Stone River, Col. Jones' regiment, the 24th, was on the front and left of the line. During the afternoon when the rebel assault upon the left became furious, Col. Jones ordered his men to lie down and hold fire, which was obeyed. They rose to pour a deadly volley into the rebel ranks, and rush forward in a fierce charge. The capture of an entire rebel regiment was thus effected, but Col. Jones was shot in the right side. He was carried to the rear. "I know it, I am dying now; pay no attention to me but look after my wounded men." He survived about ten hours. His remains are buried in Spring Grove, Cincinnati.

Col. Lorin Andrews went with his command to Western Virginia, where he succumbed to exposure and severe duty. He was removed to his home, Gambier, Ohio, where he died, surrounded by friends September 18, 1861.

Col. Minor Milliken was sent to repel the attacks of the rebels at the rear. He led a superb cavalry charge against the enemy, vastly superior in numbers, and was cut off with a small portion of his regiment. He disdained to surrender, and ordered his men to cut their way out. A hand-to-hand conflict ensued. Col. Milliken, being an expert swordsman, was able to protect himself with his saber. While parrying the strokes of his assailant, another shot him. The regiment, again charging, recovered his body, stripped of sword, purse and watch.

Col. George P. Webster, with his regiment, the Ninety-eighth, left Steubenville for Covington, Ky., August 23, 1862, marching from that point to Lexington and Louisville. He was placed at the command of the Thirty-fourth Brigade, Jackson's division, Crook's corps. He fell in the battle of Perryville, and died on the field of battle.

Col. Leander Stem was appointed Colonel of the One Hundred and First Ohio Infantry August 30, 1862. His premonitions that he should fall during his first regular engagement proved too true. As the army was advancing on Murfreesboro, the engagement of Knob Gap occurred, when Col. Stem's regiment charged and took a rebel battery, with several prisoners. The army closed around Murfreesboro and on the evening of the 30th, the One Hundred and First was engaged in demonstrations against the enemy. Next morning, the battle of Stone River began in earnest. When Col. Stem's regiment began to waver, he called out: "Stand by the flag now, for the good old State of Ohio!" and instantly fell, fatally wounded.

Lieut. Col. Jonas D. Elliott held his position in May, 1863. During the summer of 1864, he commanded the left wing of the regiment at Dodsonville, Ala.; in September, he was sent after Wheeler, and was ordered into camp at Decatur. On the 23rd he was dispatched to Athens, to participate in the attack of Gen. Forrest of the rebels. Col. Elliott was sent out with 300 men, and being surrounded by Gen. Forrest, with vastly superior numbers, a forced resistance enabled them to sustain their own ground, until a fresh brigade of rebels arrived, under Gen. Warren. This officer instructed one of his men to shoot Lieut. Col. Elliott, and a moment later he fell. He lingered nineteen days.

Col. Joseph L. Kirby Smith took command of the Forty-third Ohio Regiment. He fell at the battle of Corinth, under Rosecranz.

Lieut. Col. James W. Shane fell, June 27, 1864, in an assault upon the enemy's

works at Kenesaw. He survived but forty minutes.

Col. Augustus H. Coleman displayed the abilities of a successful commander. He was in the first charge on the bridge across Antietam Creek. He was fatally wounded. His last words were inquiries regarding his men.

Col. J. W. Lowe commanded the Twelfth Ohio, and was ordered to assist the Tenth in the battle of Carnefix Ferry. Cheering his men, in the thickest of the fight, a rifle ball pierced his forehead, and he fell dead—the first field officer from Ohio killed in battle in the war for the Union.

Lieut. Col. Moses F. Wooster was engaged with his regiment, the One Hundred and First Ohio, at Perryville. He was mortally wounded on the 31st of December, 1862, in the grand effort to stem the tide of defeat at Stone River.

The list of staff officers we refrain from giving through lack of space.

At the opening of the war, William Denison was Governor of Ohio, David Tod succeeded him. John Brough was the third War Governor.

Secretary Edwin M. Stanton was one of the most popular war ministers. He was born in Steubenville, Ohio, in 1815.

He was engaged in the United States Circuit Court in 1860, in a leading law suit, at Cincinnati, known as the Manny and McCormick reaper trial. On the 20th of January, 1862, he was appointed Secretary of War by Mr. Lincoln.

Ex-Secretary Salmon P. Chase's public service in Ohio have already been mentioned in these pages. In 1861, he was appointed Secretary of the Treasury, in Mr. Lincoln's cabinet.

United States Senator B. F. Wade made his reputation in Ohio. This Senator of the State stood at the head of the Committee on the Conduct of the War throughout its duration.

United States Senator John Sherman was a leading member of the Finance Committee during the war. For some time he was its chairman.

Jay Cooke was the financial agent of the government, furnishing money for the payment of troops. He was born in Portland, Huron Co., Ohio.

In our brief review of the war record of Ohio, we have omitted a vast amount of detail information that would prove interesting to our readers. We believe we have been accurate in whatever we have given, taking as our authority that accepted "Encyclopædia" of Ohio war facts.

Columbus, O., April 27, 1917.

Mr. A. M. Sterrett,

Troy, O

My dear Sir:

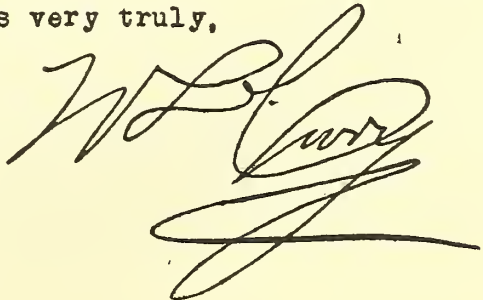
I have received your letter of the 26th relating to the cut. Replying have to say that I have a cut at the printer's and if you could use it and send it right back in a short time, I would be pleased to let you have it.

As you are perhaps aware, there was one company in my regiment in the First Ohio Cavalry recruited in Miami County. Three of these boys have died recently - Nathan Teeter, a Mr. Patty at Pleasant Hill, and a German by the name of Joseph Sneider of Piqua, O.

If you would care to have it, I could give you a little story about being taken prisoner when the hat was shot and my experiences as a prisoner.

When you are ready to print, advise me and I will have the cut forwarded to you.

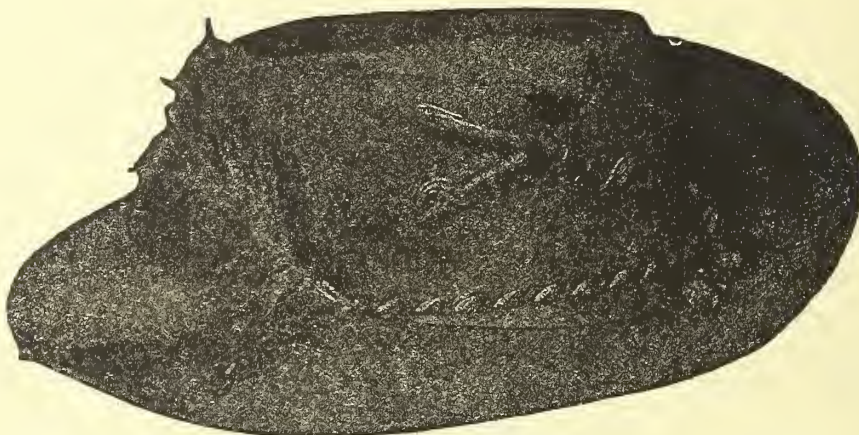
Yours very truly,

A handwritten signature in dark ink, appearing to read 'W. B. Curry'. The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Box 645.

AN INTERESTING CIVIL WAR STORY FROM AN OHIO CAPTAIN
OF CAVALRY WITH HIS LETTER TO THE AUTHOR
—TAKEN PRISONER AT COURTLAND, ALA.

By W. L. Curry, Captain First Ohio Cavalry



I was taken prisoner July 25, 1862, at Courtland, Alabama, and I always celebrate this anniversary as the day of deliverance, as I had a hair-breadth escape from instant death. In fact my hair did not escape, as a minnie ball went through my hat, cutting the cross sabers on the front of the hat in two, making a hole through the hat crown six inches long, and cutting the hair from my head down to the scalp so that I pulled out a handful of hair from my head.

After the evacuation of Corinth, Miss., on the night of May 28, 1862, General Buell's army was scattered along the Memphis and Charleston Railroad from Corinth east to Huntsville, Ala. My company, K and company E of the same regiment, First Ohio Cavalry, and two companies of the Tenth Kentucky Infantry,

were stationed at Courtland, Ala., guarding a railroad bridge.

Courtland was a beautiful town, situated about midway between Tusculumbia and Decatur, Ala., about twenty-five miles from each, on the Memphis and Charleston Railroad. It was a lazy little town of fifteen hundred to two thousand inhabitants, noted for the beautiful shade trees that lined the streets, and pretty southern girls, who would insist on making mashes on the dashing cavalry boys, in defiance of their protests that they must continue true and loyal to the "Girl They Left Behind Them" among the hills and valleys of the "Bonnie Buckeye State."

The duty of the detachment was guarding the railroad bridges and pickets were thrown out on all of the roads, about a mile from camp, to guard against a sur-

prise from the enemy's cavalry, who were making frequent dashes against these small detachments.

Our camp was on the plantation of an old fellow by the name of Bynam, who professed to be intensely loyal to the old flag, and his cornfield along one side of our camp, just in good roasting ears, was carefully guarded, and a soldier that even plucked one ear had the guard-house staring him in the face and visions of extra duty policing the quarters with a pine-brush broom.

On the morning of July 25th, after guard mount, the weather being very warm, the men were scattered over the camp, taking it quiet and easy and many of them sitting in the shade in front of their tents, or on the piles of forage sacks, having a game of old sledge or poker with a ten cent ante, while others were writing letters to the dear ones at home, or to their best girls, which was more often the case, little dreaming that the enemy in large force was rapidly marching and preparing to pounce down upon our little handful of men like a hurricane.

Lieutenant James Cutler, being a physician, had charge of the sick at the post, and had established a temporary hospital over in the town in a brick church, and he was making his usual morning visit to the sick, and I, being next in rank, had command of the company. Just as I had settled down on my cot for a little rest, as I was sick with malaria and camp fever, Captain Eggleston, commanding Company E, came running to my tent in his shirt sleeves and bare head and shouted to me that the rebels were advancing upon our camp. I called to the bugler to sound "boots and saddles" and ran down through the quarters, directing the men to saddle their horses and mount as rapidly as possible.

Looking across the camp and toward old Bynam's house, I saw a cloud of dust raising and in five minutes' time the advance of the rebel column came down the

road, within three hundred yards of our camp, and gave the rebel yell that would have raised the hair on the head of a Comanche Indian.

I had loaned my horse Billy that morning to Sergeant Chapin to go out on picket, and I made up my mind with but little deliberation, and in a moment's time that I was in for it and would be taken prisoner right in the camp; but after the company had all saddled and were in line, I saw one horse still at the picket rope, that I knew belonged to William Johnson, who had gone into town to shoe horses, and I ran down to line, saddled and bridled this horse, and by this time the rebels were in camp, banging away in a very careless manner.

Just as I had buckled on my saber and revolver, Lieutenant Cutler came dashing into camp from town, and I ran into his tent, got his belt and saber and handed it to him and mounted. By this time the rebels were right upon us and we were the only two left and the enemy had cut us off from our command, which was forming with the infantry behind the railroad embankment.

A high railroad embankment lay between the camp and town, and two other soldiers who had been cut off from the command, having joined us at the ford, I suggested that we reconnoiter toward town to see if we were surrounded and then report to the commanding officer. Spurring our horses over the embankment we run right into a regiment of rebels galloping along the street close to the embankments and hidden from view, and we were prisoners in less time than it takes to tell the story.

We were run off to the side of the street on the pavement and surrendered our horses and arms as gracefully as could be expected under the excitement and confusion, as the advance had fired a volley when they first hailed us and the balls whizzed uncomfortably near our heads. After we had surrendered, a guard was

put over us and we were watching the rebel cavalry as they charged down the street in platoons. It was a very pretty sight from the pavement. Just at this moment a rebel soldier wheeled his horse out of the ranks not more than three rods from us raised his cabrine and banged away at us three prisoners and fired three shots in quick succession as we stood quietly looking him in the face, expecting each shot to kill one of us.

As before stated the third shot went through my hat and stunned and blinded me for a moment, and I reeled and grasped the fence for support. I was so dazed that I was confident that I was shot and putting my head down toward one of the boys, I asked him where I was wounded, and taking off my hat and seeing that there was a bullet hole in front and that there was a hole in the crown at least six inches long, I became more and more impressed with the belief that the ball had gone through my head. Of course it was preposterous to even imagine that a ball could go through the head without causing instant death; but in my dazed condition my reasoning faculties were rather "knocked out of working order."

I put my hand upon the top of my head and pulled out a handful of hair and wool from my hat ground as fine as powder, and kept on pulling out the loose hair and feeling the top of my head and looking at my fingers to see if I could discover any blood, and continued this for a moment or two until I recovered from the shock, before I was convinced that I was not wounded.

It was a hair-breadth escape, and had the ball struck an eighth of an inch lower it would have blown the whole top of my head off and I would have been killed so suddenly that I would not have known what hurt me.

I was not frightened during the time the rebel was firing the shots and did not attempt to dodge down or run, but stood still and looked at him very intently as he

pulled the trigger of his carbine, but fully convinced that he would kill all three of us. I thought very fast and wished that we had our navy revolvers again that we had surrendered a few minutes before, and we would have fought it out as long as we had a load in our revolvers.

The fellow made such an impression on me as he sat on his sorrel Texas pony in his shirt sleeves, with brown beard and long yellow hair, and a broad-rimmed, brown-colored slouch hat on his head, that I have never forgotten his face, and I think I would know him today if I should meet him, if he looked as he did then, although our meeting fifty-five years ago was very brief and rather abrupt.

Until this day, if I hear the report of a musket near at hand, I imagine that I can feel that ball passing through my hat and hair exactly the same direction that that ball plowed a track so near my skull the day I was captured.

No doubt there are thousands of other similar incidents that happened during the war, and only relate this as one in which it was my fortune to play a part as principal actor.

The rebel cavalry was still charging along the street, and there sat that long yellow-haired cuss on his sorrel pony, with murder in his eye and his carbine thrown across the pommel of his saddle, as if taking a rest before commencing another fusillade on three dangerous unarmed Yankee prisoners. Just at this moment a rebel officer was galloping slowly along near the pavement, reining his horse in, as if to close up his company, I appealed to him, stating that we were prisoners, that we had surrendered our arms and that we were entitled to protection, and, pointing to the long-haired sinner still sitting on his sorrel pony, informed the officer that he had been practicing on us at short range and in my opinion was getting ready for another engagement. This officer ordered the fellow to join his command, much to our relief, and then or-

dered the guard to start us to the rear on double-quick.

Now the "fight was on" and the balls from our own command stationed behind the railroad embankment, began to come over, rattling against the houses and fences and knocking up the dust in the streets like big drops of rain. While it was not a very comfortable situation for us to be placed in between two fires—still it was amusing to see how quickly the citizens scattered and vanished into their houses, and in a few minutes we had the streets all to ourselves.

The guards hurried us along on the double-quick, for they seemed as anxious to get out of the range of the flying bullets as we were. I had on a pair of high cavalry boots that came above my knees, with a pair of spurs, and being a cavalryman, we had been drilled to believe that it was very humiliating for a trooper to be compelled to march on foot.

The guard that was looking after my welfare was of the same opinion and as there were several riderless horses running loose on the common, the riders having been killed or wounded or in some manner thrown from their horses, the guard caught a fine gray, which he directed me to mount in "one time and two motions." Not waiting for a second invitation, I mounted in hot haste. He proved to be an officer's horse, well equipped with two revolvers in the holsters fully loaded and my first thoughts were that if we had found those revolvers a few minutes sooner, we would have made it lively for our long-haired friend on the sorrel pony.

By this time many stragglers were galloping to the rear to get out of danger, which is a very usual occurrence during a fight, and a person to be in the rear of a battle line and see the cowards retreating and the confusion and demoralization would imagine that the whole army was retreating; but when you arrive at the front you find that the line is steady and everything well in hand, and the fighting

soldiers are under as complete control as if on battalion drill.

After going pell-mell for perhaps a distance of two miles, we halted on a by-road and we could still hear a few scattering shots off toward our camp. As we sat on our horses, there now being five of us prisoners, with perhaps a hundred guards, a big rebel Sergeant rode up to our group, and, taking a look at the horse I was riding, he then asked me where I got that horse, and I informed him that the guard had caught him for me. He then took out a big navy revolver, and riding up close to my side said: "That is my brother's horse, and if he is killed, that is what you will get," and he placed the muzzle of the revolver against my head, just back of my ear. I then thought we were in for it, as he was a long-haired devilish-looking fellow; but I think if he had made the attempt the guard that had me in charge would have interfered, as he was a fine manly-looking young soldier and was very kind to me afterward and during the few days he was with us, and when he could get anything to eat he divided it with me, if I could eat anything.

After our little episode with the big Sergeant, who was anxious to distinguish himself by blowing the heads off a few unarmed prisoners, instead of being up at the front with his command. We started on a by-road through the woods and hills, and after traveling two or three miles came out on the Tupelo road leading to General Bragg's headquarters. After waiting here a short time, the balance of the prisoners were brought up and there were now one hundred and thirty-four of us. We were then put under a regular guard, commanded by Major Smith, of Missouri, who proved to be a gentleman and a good soldier, and the prisoners were then protected from insult. We learned that the big Sergeant's brother, who was a Lieutenant, had been killed in the early part of the fight, and had the Sergeant known this at the time he found me on his

brother's horse, I have no doubt but he would have executed his threat and have killed all of us on the spot, but it was too late when we were put under a regular guard.

The command that had attacked us was General Armstrong's brigade of cavalry, consisting of about seventeen hundred men, and including Colonel Roddy's regiment, that had been recruited in Northern Alabama in and around Courtland, Tusculumbia and Decatur.

General Armstrong was an officer of the old army and a fine-looking soldier, and became quite a noted cavalry leader during the war. The rebel commander attacked our camp on three sides simultaneously and he had been piloted through woods and mountains on by-roads by citizens of the vicinity, who knew every cow-path in the country, and knew the position of every picket, as they passed in and out of camp at will. The total number of men in our command in the two companies of infantry and the two companies of cavalry was about one hundred and sixty men, and when they took position behind the railroad embankment, they made it lively for the rebel brigade for a short time and in the fight the rebels lost seventeen killed and twenty-seven wounded.

The first day we marched to Moulton, Ala., the county seat of Lawrence county, a distance of about thirty miles and were quartered in the court house, sleeping on the soft side of a bench in this magnificent temple of justice. We lingered here the next day until late in the evening, when all at once there was a great commotion among the rebels, the guards rushed from the court-house, the bugles sounded "boots and saddles," drivers commenced harnessing their mules and orderlies were galloping through the streets. We surmised that something unusual had occurred on the outposts, and it was soon learned that a scouting party of our cavalry had attacked their pickets and we were in high glee hoping that we would soon be within

our own lines again, but the rebel commander did not propose to be so easily cheated out of his prize and he directed that the prisoners be started south on the Tupelo road toward General Bragg's headquarters on "double-quick."

General Armstrong mounted his magnificent horse, that had just been brought up to him by his colored servant, and galloped off in the direction of the firing. Our officers were directed to get into the wagons and a mounted guard was placed around the balance of us and we were hurried off south on double-quick. With several other sick soldiers I strained every nerve to keep up at the front, and when darkness came on, a file of guards were placed on either side of our column, in addition to the platoons in front and rear, and the guards were ordered by the Captain commanding to "draw saber and cut down any prisoner who fell out under any pretense whatever." The horses of the mounted guard were kept on a brisk walk all the time and this kept us on about a half run, and after marching in this manner from about 5 p. m. until 10 p. m. without a moment's halt and without a drop of water on a hot July night in Alabama was enough to prostrate the strongest soldier. About midnight a courier came dashing up from the rear with a message, and the officer in command called a halt. We were then just in front of a plantation residence, and I remember that there was a wagon just at the side of the road, loaded with long wood, and the Captain commanding mounted this wagon and made a speech to the guard and stated that he "had the pleasure of announcing that they had gained a great victory at Spangler's Mills." At this the guard cheered, but it was not a very cheerful message for us prisoners. We afterwards learned that it was a little skirmish between a scouting party of our soldiers and the rebel pickets in which two or three men were wounded.

We were then ordered to lay down on

the chip pile, on which we were standing, and we did not need a second invitation, as we were completely exhausted and ready to fall in our tracks. Sergeant Cheers and myself had about half of a rubber blanket that one of us had picked up, and finding a stick of wood for a pillow, we tumbled down on the ground and covered our breasts with this piece of rubber blanket. Our clothing was dripping wet with perspiration and as soon as we halted we began to feel the chill of the cold mountain night air, but from sheer exhaustion we slept from midnight until daybreak. We had been living on very short rations of hard tack and a little fat pork since we were captured, and on this Sunday morning we had green corn boiled and eaten without either salt or pepper, bread, crackers or meat, and in fact all we had for three or four days was boiled green corn, without anything else. We would halt at a plantation and a guard would direct the slaves to bring out some big iron wash-kettles and fill them with water and then pull off some green corn and throw it over to us, husk and all. The boys would husk the corn, tramp around on the husks and squeal like a lot of pigs, laugh and joke, and try to make the best of it; but after three or four days boiled corn, without anything else and without any seasoning became a little monotonous. Like the fellow with the codfish, we relished it three times a day, but did not care to have it for a regular diet.

On Sunday, the citizens were out to see us in force as we marched through the country, and as our coming had been heralded by the rebel cavalry scouting through the country, at every crossroad we would find carriages filled with ladies and gentlemen, waiting to get their first look at a live Yankee prisoner. Some of the boys would ask a great many silly questions of these citizens and furnished amusement, not only to our boys, but to our guard.

A little fat pork was issued to us during the day and as we had no haversacks we had to carry the meat in our hands or run a little stick through it and as the weather was very hot, the grease dropped out as we marched along. We were a motley looking crowd, some being bare-headed, while others were in their shirt sleeves and bare feet. We did not present a very soldierly appearance and no doubt the citizens thought us a genuine lot of mud-sills and "five to one," was only a breakfast spell for the chivalry.

We did not reach General Bragg's headquarters at Tupelo, Mississippi, but were marched around through northern Alabama quartered in old camps and court houses.

As was understood at the time they could not get safe conduct for the prisoners to Libby Prison and we were finally paroled and sent to parole camps for exchange.

OHIO IN THE SPANISH-AMERICAN WAR

On February the 15th, 1898, the battleship Maine was blown up while peacefully anchored in the harbor of Havana by a submarine mine placed there by parties probably authorized by the Spanish government. The splendid warship was to-

tally destroyed with the loss of 260 officers and men. Congress immediately appropriated \$50,000,000 for national defense. The war lasted for 114 days, Ohio furnished 15,354 men, none of whom were in action.

CHAPTER XV.

THE GERMAN-AMERICAN WAR

As long as Russia believed she had an inalienable right to a free and untrammelled access and egress to the straits of the Dardanelles and Turkey refused her that right; as long as Italy believed she had been robbed by Austria of Trieste and others of her northern provinces; as long as France believed she had been robbed by Germany of Alsace and Lorraine; as long as England believed that the integrity of Belgium was essential to her safety; as long as Japan continued jealous of Germany's acquisition of Chinese territory; as long as all Europe stood in alarm at the ponderous militarism of Germany; it was not difficult to find an excuse for facing the frowning front of war.

The assassination of Prince Ferdinand of Austria and his consort by a Servian agitator; the demand of Austria to sit as judges in the trial of the murderer, and while Servia submitted to all other demands, reserving only her right, to try the malefactor, the lines were drawn and the bloodiest war of history was on.

That the forts on the frontier of Belgium, believed to be impregnable, fell before the enormous guns of Germany, opened the road to Paris, its capture and possible destruction and the world doomed to a militarism beyond the dreams of Napoleon and Germany placed in a position of world domination is due to the fortunate outcome of the battle of the Marne.

The final alignment of England, France, Russia, Japan, Italy, Servia, Albania,

Roumania, and Belgium with the entente powers, and Germany, Austria, Turkey and Bulgaria with the central powers, with 20,000,000 of men on both sides, staggered the senses, with the enormity of its possible and almost inevitable consequences.

I delivered a lecture on "Preparedness," in the auditorium of the high school in Troy and Sidney in September, 1915, endeavoring to do my bit in arousing public sentiment to the danger of the United States continuing a state of supineness, in which I quoted the serious statement of ex-President Roosevelt, that he had *seen the plans* of two first-class foreign powers for the conquest of the United States.

In this work, I was aided by the War Department and A. P. Gardner of the ways and means committee of the house, to the end that I might say such things as could be officially sanctioned. I herewith append two letters, which will tend to show that "Pacifism" was not then indulged in by those who had the best opportunity of ascertaining our real state of unpreparedness:

WAR DEPARTMENT

WASHINGTON

July 10, 1915.

Hon. F. M. Sterrett,
Troy, Ohio.

Dear Sir:

The statement attributed to General Weaver, namely: "the greatest range of existing American coast defense guns is

18,500 yards, while the guns of the biggest British and German battleships have a range of 21,000 yards," was a correct statement of the conditions existing at the time referred to. It was not, however, made by General Weaver in his written report.

It may be said that modifications which are now being made in our 12" guns and carriages will give them a range of 19,500 to 22,000 yards.

It is not known whether General Goethals is on record as saying that our coast defense guns have a greater range than the Queen Elizabeth of the British Navy.

It is considered that the fortifications now provided for the Panama Canal give a reasonably adequate coast artillery defense for that locality, but it is not to be taken as indicating that additional defense may not be added in the future.

It is desired to encourage such patriotic efforts as it appears you are making to inform the public of the exact conditions affecting our military preparedness.

Respectfully,

HENRY BRECKENRIDGE,
Acting Secretary of War.

The war of 1812 was brought about fortunately for us at a time when we were less than 15,000,000 of people by the search and detention of American vessels on the high seas and imprisonment of our sailors into the British service and when England and most of Europe was engaged in a death struggle with the great Napoleon.

Germany has not only searched and detained our vessels and confiscated our property, but she has blown our vessels out of the sea with a reckless barbarism for human life, that appeals to every sense of our civilization.

Her cold blooded proposition, while professing a high Christian culture to remand Texas and her bordering states back to the domination of priest ridden, revolutionary Mexico and our Pacific states to a

nation of Oriental Buddhists, through an intrigue of diplomacy at a time when she was the recipient of hospitality at our hands, was heaping up indignities that no self-respecting nation could longer endure.

If the men of military age in Texas should arm themselves to repel this unholy combination of Orientalists, revolutionists and so-called cultured Christians, many of which Texans are lineal descendants of Crockett, Bowie and Travis and the others of that heroic band who perished in the Alamo, it need not alarm the pacifist any more, than when the pioneer hangs his rifle above his cabin door, with which to protect his women and children from ever present savage attack.

COMMITTEE ON WAYS AND MEANS
House of Representatives

Washington, D. C.

Hamilton, Mass., July 21, 1915.

Hon. F. M. Sterrett,

My Dear Sir:

I am in receipt of your letter of July 16th, 1915. I saw Gen. Goethals quoted as saying that the range of some of our coast defense guns was greater than those of the Queen Elizabeth. Whether he said it or not, it is not the fact. The enclosed letter from the Secretary of War tells the story. Please return it in envelope enclosed (no stamps needed).

If you will read my speech entitled "Guard your Coast" you will get an explanation of the situation. Also, I refer you to Pages 17-18 of my "Manual"; likewise, the passage which I have marked on Page 21 of the Manual. As you will observe this last passage is part of the Report made last November by Gen. Witherspoon, Chief of Staff of U. S. Army.

As to the strength of our Panama Canal Fortifications; when all the 14 inch guns are mounted, and the proposed 16 inch gun is in place, I think it probable that no one will care to attack the Canal at either en-

trance. The danger comes from an attack by land. The best statement that I have seen on the subject was written by Mr. Charles P. Steinmetz, the distinguished engineer, whose name is mentioned for one of the places in Secretary Daniel's new Board. I am writing him for a copy of that article, which I shall be glad to send to you. Incidentally, I call attention to the evidence of Admiral Bradley A. Fiske, Chief of Operations of the Fleet before the House Committee on Naval Affairs, December 17, 1914, on Page 1053 of the Hearings. What he said was this:

"but in the Canal Zone, which is the most vulnerable part of our entire possessions, anybody can go there and take it that wants to."

As to the defenses of the Phillipines, I rather think that Hon. Clarence B. Miller, of Minn., knows more about the matter than any other Member of Congress. I have written him asking him to send you a copy of his address on this subject.

As to the defenses of the Hawaiian Islands and Alaska, I have never made a study of them. In fact, I doubt whether there are any defenses to Alaska.

I shall be glad at any time to give you such information as I possess with regard to any question of National Defense.

Very truly yours,

A. P. GARDNER.

Col. Frank M. Sterrett,
Troy, Ohio.

During the month of May, 1917, a lineal descendant of Lafayette, for France, and Lord Balfour for England, placed on the tomb of Washington—first in war, first in peace and first in the hearts of his countrymen, an everlasting leaf of bronze, in the name of universal democracy. Ten days later, the tomb of Lincoln, the savior of the nation, was honored in like manner.

We would not if we could, forget the deeds in war of these two illustrious Americans, consummated at Yorktown and Appomattox. We cannot forget to thrill with

patriotic pride at the mention of Jackson at New Orleans, Scott at Chapultepec, Hooker at Lookout and Dewey at Manila Bay. We would not recall the act of our patriotic President and Congress in declaring war on the imperial German government for the flagrant violation of our rights and honor and the premeditated murder of our people. This war is a continuation of the war of 1861 for the rights of humanity. It is the last great war before universal democracy, universal disarmament and universal peace. At this date, June 18, 1917, the United States has voted \$7,000,000,000 and enrolled 10,000,000 of men, the latter between the ages of 21 and 31. We are entering the fight on a scale unprecedented in the annals of war. Not only are we equipping our own enormous force but we are lending the nations of Europe the money with which to continue the gigantic struggle.

Breathes there a man with soul so dead,
That unto himself hath not said,
This is my own, my native land.

Jacob A. Riss, lying ill at Ellsmore, saw the American flag flying from a ship and sat up in bed and shouted, laughed and cried by turns, waving my handkerchief at the flag out there. They thought I had lost my mind, but I told them, No! thank God I had found it and my heart, too, at last! That it was my flag! that my children's home was mine indeed! that I had also become an American in truth.

The old ideas of a simpler age, are preposterous now and those who attempt to keep them working, are simply holding back the hands of the clock. We should have the courage and stamina to take off our coats, put on our armor and again fight for our convictions.

The man of peace at any price, should not be too supersensitive, when he knows that if Texas is overrun, those Texans yet alive beyond and on the border, will be seen fighting their way back to their dear

ones. The love of home and country and all the sweet and tender things that make life worth living will create an army of Joan's of Arc and Molly Starks to repel such an invasion.

We have discharged every obligation of National honor in peace and war with courage and courtesy and now, marching under the oldest flag in the world, with 100,000,000 of people we are in the van-

guard of the worlds progress.

Our flag is 8 years older than the red and yellow of Spain, 17 years older than the tri-color of France, 24 years older than the Union Jack of Great Britain, 84 years older than the red, blue and green of Italy, and 94 years older than the red, white and black of Germany, a flag entirely too young to chase American commerce from the free highways of the sea.

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